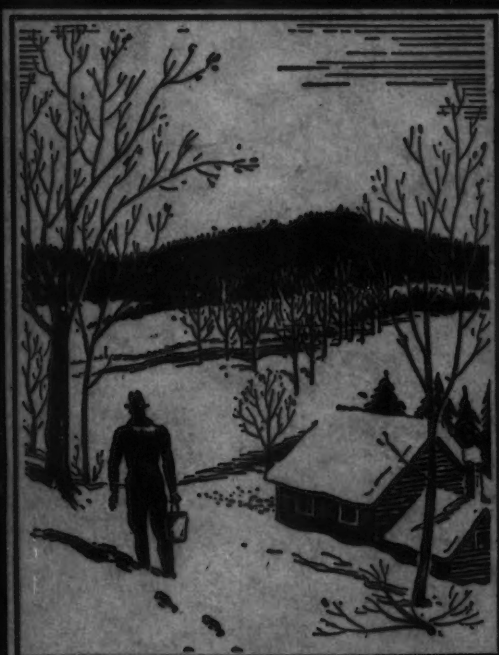


CASE AND COMMENT



WINTER COMES TO RULE THE
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NO. 3

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Supreme Court**
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- INFRINGEMENT OF PRIVATE UTILITIES RIGHTS BY FWA GRANTS FOR PUBLIC POWER PROJECTS.
- DELEGATION OF AUTHORITY TO FWA.
- LABOR'S RIGHT TO COLLECTIVE BARGAINING AFTER DEADLOCK.
- DISSOLUTION OF COMPANY UNIONS BY MANDATE OF LABOR BOARD.
- SIT-DOWN STRIKES AS A VIOLATION OF ANTI-TRUST ACT.
- RESPONSIBILITY OF CORPORATE DIRECTORS FOR TRUTH OF STOCK REGISTRATION STATEMENTS.
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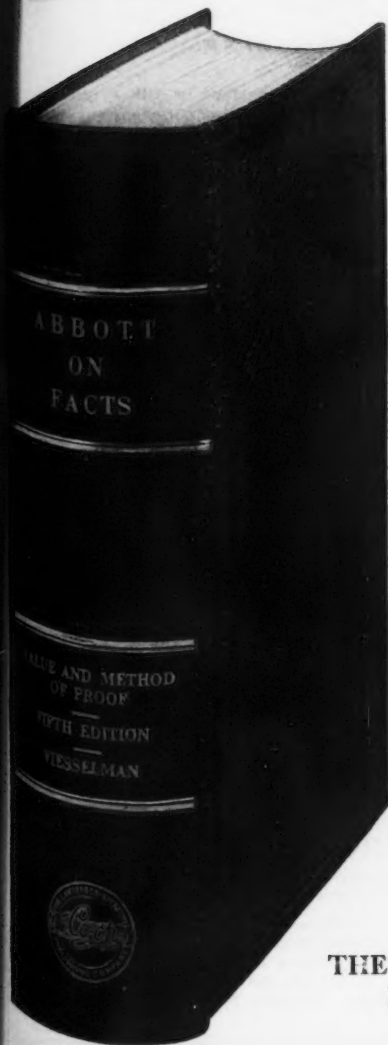
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a popular anecdote concerning the Judge. Miss Tracy, keeping an eye on Cardozo's weak heart, one day placed a ban on fancy desserts and decreed light ones for a week. Anna retaliated by serving lemon Jello six nights in a row. Finally, on the sixth night, the Justice pushed his plate aside and quietly announced: "I think I don't care for any lemon Jello this evening."

Cardozo's chivalrous attitude toward women was inspired by his affection for his sister, Nellie. Their mother died when he was nine, and Nellie looked after him for the next 30 years. His first education came from Nellie, aided by tutors, one of whom was Horatio Alger. The success-story author was forever falling into financial holes from which the Cardozo family repeatedly pulled him out. In return, he offered to tutor young Benjamin.

And young Benjamin learned rapidly. At nineteen, he won his Bachelor of Arts degree and a Phi Beta Kappa key from Columbia, and a year later the university gave him his M.A. Then following his father's profession, he studied law for two years at Columbia. Although he never received his law degree, he was admitted to the bar in 1891 and immediately began practice in New York City.

Engrossed in a profession in which his scholarly approach was early evident, Benjamin Cardozo showed at the outset of his career that he would be a recluse. His earliest legal practice convinced him that he did not care for strenuous, rough-and-tumble trial work. Instead, he found pleasure in arguing before the State Court of Appeals and became known as a "lawyer's lawyer."

Cardozo's clarity of thought and lucidity of expression, together with his liberal belief that the law must adjust itself to the times, soon drew

attention to him. In 1913, he won a place on the New York State Supreme Court.

He had been on the state Supreme Court but a month when Governor Glynn appointed him temporary associate justice of New York's highest court, the Court of Appeals. Cardozo was destined never to return to the lower court, for in January, 1917, Governor Whitman appointed him permanently and both political parties united in nominating him for a full term. In 1926, he was elected Chief Judge of the Appeals Court, again with the endorsement of both parties. Cardozo's advancement has never been influenced by politics.

The wide variety of cases coming before him on the Appellate Court appealed to Cardozo. By training, lawyers tend to emphasize precedent and glorify the past, often failing to relate law to life. In New York, however, Cardozo translated social and economic forces into law. Unlike many of the lawyers who argued before him, he labored for a humane and progressive jurisprudence.

Cardozo left his impress on the common law of New York. He became recognized as the foremost jurist in his state, and lawyers and students came to regard him as one of a small select group of great living American judges.

Cardozo deeply influenced the legal profession not only by his liberal philosophy, expressed in his judicial opinions, but by his books ("Law and Literature and Other Essays," "The Nature of the Judicial Process," "The Growth of the Law," and "The Paradoxes of Legal Science"). In his books he has stressed the theme that "law must be related to the needs of life since it deals with the complexities of humanity; must be stable and yet must change with the times." He went even further in his books and laid down the rule that "the Judge's

function is to mould the law to fit its ends, that its ends are to serve mankind—not mankind the law.”

Benjamin Cardozo's continuous striving for the orderly advancement of judicial processes led the American Law Institute to choose him in 1923 for the task of restating and simplifying the law. Likewise, it was natural that two years later he should be made chairman of a committee appointed by the New York State Legislature to aid a commission in investigating defects in the law. Further recognition came to Cardozo in 1927 when President Coolidge invited him to join the Hague Court, of which Charles Evans Hughes, Elihu Root, and John Bassett Moore were already members. Cardozo declined this invitation, preferring to carry on with the more personal work in the New York State Court of Appeals.

When Oliver Wendell Holmes retired from the United States Supreme Court in 1932, recommendations for Cardozo came from bar associations and individuals in all parts of the country. However, President Hoover hesitated to appoint Cardozo for two reasons: (1) there were already two Supreme Court Justices (Hughes and Stone) from New York State; and (2) he was afraid of increasing anti-Jewish feeling in certain sections, since Brandeis had been appointed to the Court in 1916.

Franklin D. Roosevelt, at that time Governor of New York, wrote to Mr. Hoover concerning Cardozo: “I know of no jurist more learned in the law, more liberal in its interpretation, and more insistent that simple justice keep step with the progress of

civilization and the bettering of the lot of the average individuals who make up mankind.”

Pressure for Cardozo's appointment increased, and Harlan Stone offered to resign from the Court if his presence there stood in the way of his fellow New Yorker's appointment. President Hoover swallowed his objections, offered Cardozo's name to the Senate, and that body immediately confirmed the appointment.

Benjamin Cardozo has found life “an interesting time in which to do my little share in translating into law the social and economic forces that throb and clamor for expression.” His days on the Supreme Court of the United States have enlarged his reputation as a sagacious jurist and increased his popularity as a farsighted judicial benefactor. Fame and popularity, however, have not seduced him from his scholarly ways and his shyness. Cardozo's self-esteem is as modest as his judicial and philosophic wisdom is great.

Because he believes that “constitutions must be more liberally construed than statutes because they are likely to enunciate general principles,” Cardozo is destined to remain popular with all those holding to the New Deal philosophy. If good fortune grants him a long life, Cardozo should be on the Supreme Court for many years to come. There he will continue to relate the law to the needs of an ever-changing life and to prove that “precedents drawn from the days of travel by stage coach do not fit the conditions of travel today.” Upon his able shoulders is the mantle of the beloved Holmes.

ONE cannot jump at once to great ends. Therefore I hope you will not shirk the details and drudgery that life offers, but will master them as the first step to bigger things. One must be a soldier before one can be a general.

—JUSTICE HOLMES.

BROADCAST TRIALS?*-YES!

By MITCHELL DAWSON

of the Chicago Bar

SINCE daylight a mob has surrounded the courthouse, fighting to get in. The big murder trial—"the sensation of the century"—is about to start. A cordon of police officers holds back the crowd and opens a lane for the privileged few. One by one they pass through—judge, counsel, jurors, witnesses, reporters, cameramen, friends of officialdom. They fill the courtroom from wall to wall, waiting to see a human being on trial for his life.

In the press room, newsmen flash the story to avid millions, telling and retelling the sordid details of the crime, the private life of the victim, the private life of the defendant, choice bits about the judge, the jurors, and the witnesses, "sob-stuff," melodrama, a grand ragout served rank and hot.

The public gulps it down and asks for more. Sex intrigue, violence, insanity, and murder stalk into every home—in print for those who read, in pictures for those who can't. No one concerned in the case is spared. The innocent and guilty alike are dragged forward and turned inside out for the edification of the multitude assembled.

That at least is the way it is done in the United States. In Great Britain, I understand, the fear of libel and contempt proceedings keeps the press in closer bounds. But even there a murder trial is front-page copy, and sensational newspapers play it up as far as the law permits.

No doubt, the hysteria surrounding notorious criminal trials interferes with the processes of justice,

brings the courts into disrepute, and corrupts the public mind. How, then, can I advocate the broadcasting of such trials?

For two reasons: first, because the only effective alternative is profound secrecy concerning criminal trials, which is undesirable and impossible in a democracy; and, second, because broadcasting will tend to deflate the emotionalism engendered by such trials.

The common law guarantees to every person accused of crime the right to be tried publicly. It is considered one of the great Anglo-Saxon bulwarks against oppression, and, as such, it was incorporated in the Constitution of the United States (Sixth Amendment) and in the Constitutions of nearly all the individual States. Secrecy for criminal trials is therefore out of the question without radical changes in our basic law.

But there is an even more cogent reason why the proceedings of the criminal courts cannot be sealed with silence. The public itself in democratic countries has acquired something in the nature of a vested interest in criminal trials. The rule that such cases should be tried in public did not originate out of any concern for the accused. Early English law showed little tenderness for the welfare of defendants in criminal cases. The right of the accused to a public trial is not mentioned either in the Magna Charta or in the English Bill of Rights. It seems to have developed as a by-product of the publicity naturally attendant on trial by jury.

The neighbors, friends, and enemies of the defendant have from time

(continued on page thirty)

*Reprinted from *The Rotarian*, Oct., 1937.

BROADCAST TRIALS?*-NO!

By ROBERT BERNAYS

Member, British Parliament

ON THE great majority of political questions it is not easy for a man or a woman with any claim to an open mind to form unshakeable convictions on such issues as Free Trade or Protection, an international police force, or the New Deal. It is possible to come to a decision only after an elaborate weighing of the balance of advantages and disadvantages. But on the question of the broadcasting even of selected criminal trials, I have no doubts or hesitations.

I am convinced that such broadcasts would be utterly opposed to the public interest.

There is, first of all, the question of the effect of such descriptions on the child and the adolescent. It is clearly undesirable that broadcast accounts of trials of murderers, defrauders, sexual offenders, robbers, and kidnapers, which are obviously what the public would want, should be made easily available to the immature mind. Even in existing circumstances this is very difficult to prevent. There are newspapers that specialize in this form of sensationalism, and the hoardings outside every theater and movie are plastered with pictures of crime and passion. But at least parents can do their best to minimize this evil impact. They can exercise an enlightened censorship over the movies their children attend and the newspapers that come within their reach. What is the use if merely by turning the knob of the radio their children can hear every prurient detail of a *causé célèbre*?

Moreover, any psychologist would admit that children absorb far more knowledge through the ear than

through the written word. They may read a pornographic book without the salacious parts of it impinging on their minds in the slightest degree. But a smoking-room story incautiously told by a guest at a luncheon party may never be forgotten and may warp their whole attitude on life. So it would be with broadcast trials. Obscenities that would pass unnoticed when embedded in the columns of printed matter would assume a vital reality when spoken over the ether.

Nor is it merely a question of guarding youth against contact with the immoral and the unsavory. The pronouncement of sentence of death or long years of imprisonment are not pleasant to hear even for the adult mind. On coming down from Oxford, I was for some years a newspaper reporter in Fleet Street and, as part of my duties, I had to attend as a descriptive writer some of the great trials at the Central Criminal Court. My imagination never became deadened to the horror of those dreadful words of the judge: "You will be taken from here to the prison whence you came and thence to a lawful place of execution where you will be hanged by the neck until you are dead."

For days afterward I would be haunted by the thought of what was happening to that poor wretch I had seen in the dock—his last drive in captivity through the streets, the agony of the days of waiting in the condemned cell, seeming at first unending and then quickening dreadfully as the last day approached, his extremity of terror as he thought of the hangman's rope being tested and

(continued on page thirty-four)

*Reprinted from the *Rotarian*, Oct., 1937.

CORONER DE LUXE*

By RUEL McDANIEL

"JUDGE," a cowboy announced, "we found a dead Mexican down here at the mouth of Pump Canyon. The boss says mebbe you's oughter hold a inquest."

Bean removed his apron, walked from behind the bar to his judge's bench and there donned a long black alpaca coat. "Certainly, my boy; shore. Show me where."

He had set himself up as law and order west of the Pecos; and he found no little pride in pointing out that no dispensing job, either legal or liquid, within his jurisdiction had stumped him. Inquests seemed to him rather needless things, especially if there were no fees in sight; but if the ranchers wanted them, why, he was the judge who could hold 'em.

The cowboy led him down into the maze of Pump Canyon. Stopping beside an iron-colored boulder, he said, "Here's yore man, judge; and a fine mess he's in."

Bean made a perfunctory examination of the remains. A bullet hole showed directly in the center of the deceased's forehead. He cleared his throat and declared the inquest officially opened.

"It's the findin' of this court that the Mexican, name unknown, come to his death by bein' shot in the head by an unknown person who was a goldam good shot."

He searched the pockets of the dead man but found nothing; so all he got out of this service was the experience. However, not all inquests were so fruitless.

There was the case of the railroad

* Chapter X from VINEGARRON, *The Saga of Judge Roy Bean "The Law West of the Pecos."* By special permission of copyright owners.

laborer, for example. News came to Langtry that a workman had fallen off a railroad trestle and killed himself. Bean was asked to hold an inquest.

He proceeded with courtly dignity to the scene of the tragedy. He searched the body of the victim and found a revolver and forty-one dollars in cash.

"It is the duty of this court," he declared "to confiscate this here concealed weapon, which is a dam' good gun, because it's legally ag'inst the law to carry a gun, especially a dead man."

"And in view of evidence, I find it the court's duty to fine the offender forty-one simoleons for carryin' concealed weapons. And that's my rulin'."

By this time Judge Bean had taken the time to obtain his appointment as justice of the peace, this expedient appearing to be advisable in view of the fact that Val Verde County had been organized out of Pecos, and Langtry was a part of the new county. It was only sixty-seven miles to the new county seat; so the judge felt that things should be a little more in order.

News of this quaint disposition of a dead man and his wordly goods filtered over to Del Rio, Val Verde county seat. There was talk of ousting Bean for irregularities in office. A rancher brought news of this threat back to Bean.

"Hell, they can't do that!" he expostulated. "It ain't legal. They ain't nobody complainin' except the county attorney and the judge. The're belly-achin' on account of not bein' able to grab that forty-one bucks for thirselves. I tell you, Sam,

you got to temper justice with common sense.

"Now take them Del Rio fellers. What would they 'a' done in this case? I'll tell you what. They'd dragged out the matter in a lot of legal terms and ended up by takin' the forty-one dollars and the gun for administration fees; so what's the difference? Me? Well, you know yoreself I give the pore devil a decent burial. Instead of rollin' him in a blanket and throwin' him in a hollow place in a rock and coverin' him with mesquite, why, I hired a hack and hauled him to Langtry. There I hired a preacher, for a peso, to orate a decent funeral; then I hired two Mexicans—well, not exactly hired 'em, because they was my prisoners—to dig a regular grave and bury him like a white man. I'm purty shore the pore devil hisself would 'a' thanked me for it."

Eventually the county attorney did come over to Langtry to investigate the conduct of Bean's court. "You're violating the law by failure to make a report of your proceedings and fees of office," the young barrister told the judge.

"Young man," Roy advised curtly, "This here court is self-supportin'. Whenever it can't take in enough dinero to pay its way, I'll get in touch with you!"

Suicides, accidental deaths, murders, assaults, cattle-rustling, horse-thieving, petty disorders, plain drunks, marriages, inquests, divorces, christenings, first aid and civil suits all came under the elastic jurisdiction of Judge Bean's court. The ranchers soon learned that he was their most powerful ally, and they co-operated to the fullest degree. At his bar of justice they could obtain lightning action; while if they went to more formal courts, there might be changes of venue, delays, rehearings and a dozen other legal tangles to delay the

ends of justice. Outlaws feared the crude court as much as the law-abiding citizens appreciated it.

Thus, in spite of the fact that Judge Bean did not conduct his court along orthodox lines, state and district authorities took a passive view, generally, of his methods, because he had established, after a fashion, law beyond the Pecos. That was more than anyone else had dared attempt before.

At first Roy acted as arresting officer, prosecutor, defending attorney, jury and judge. Thus he reasoned, he cut down materially the costs of court. Gradually, however, as more settlers and outlaws moved in, business grew and the procedure became somewhat more technical. Although invariably under protest, Judge Bean would permit a defendant to hire an outside lawyer if he insisted long and strong enough. Nevertheless, the Law West of the Pecos considered such action a personal affront.

On such an occasion the court was solemnly ready for action. A railroad man, a newcomer in the community and therefore excusable for his audacity, was charged with a grave crime; and he had hired a lawyer from San Antonio to defend him.

The lawyer introduced himself at the outset by objecting to the whole court procedure. "You have no authority in this case!" he cried.

Judge Roy squinted his cold blue eyes. He thumped one of his guns against the top of the table. "Set down!" he commanded.

"You have no jurisdiction in this case; and I demand constitutional rights and protection for my client."

The Law West of the Pecos glared at the young lawyer. "Oscar," he called over to his assistant, who acted as barkeeper and constable during rush hours at either bar. "Come over here. In about eight minutes I expect to find this here prisoner guilty

and order you and the boys to take out and hang him. What'er you intend to do?"

"Take 'im out and hang 'im, of course," Oscar answered without hesitation.

"Supposin'," Judge Roy went on, "I decide you better hang his lawyer, along with him. Then what would you do?"

"Why, hang 'im, judge. It ain't no more trouble to hang two than one."

Bean turned his attention back to the young lawyer. "Ain't that enough jurisdiction for you? Now, young jackleg, you set down. I'm the Law West of the Pecos. I run my court the way I see fit. An' that's my rulin'."

Penalties imposed in this crude bar of justice ranged all the way from a round of drinks for the house, at the expense of the defendant, to hanging. Judge Bean did not believe in penitentiary sentences. That involved a maze of technicalities into which the State of Texas entered; and he did not care for that. He imposed his own penalties, as his own quaint sense of justice dictated; and he did not wish to impose anything which he could not personally carry out.

This particular defendant's sentence was a hundred dollar fine, which he paid with an obvious sigh of relief, coming close upon the heels of Judge Roy's demonstration of the court's interpretation of jurisdiction.

"Oscar," Judge Roy said to his lieutenant one morning, "Carter's tryin' to cheat me out my half of them goats we been raisin' under contract. Take this here sequestration writ, go over there and show it to that double-crossin' coyote and drive my half of the goats to my corral."

Roy had entered into an agreement a year before whereby Carter would raise goats from Bean's herd on

shares. Now he had contended that Bean's share had died! Roy would have preferred to go over, personally and escort his goats back under the protection of his two six-guns; but he had set himself up as Law West of the Pecos. He demanded that other citizens settle their civil differences according to Pecos law; and he proposed to do likewise.

Oscar delivered the goats as ordered. Locked in the Bean corral, the judge then called court to order. "It appears that the stock in question was seized by a duly authorized officer of this court, towit: Oscar Sweeden. It further appears that the animals was impounded accordin' to law in the complainant's corral for safe-keeping. That bein' the status, I hereby dis miss the case. And that's my rulin'."

On occasions, however, he became impatient even of his own rapid-fire justice. An operator of a lunch stand across the street owed him \$3.75 for beer bought six months before. Repeatedly Barkeeper Bean had demanded payment. The debtor continued to put him off.

Finally Roy removed his apron, donned his guns and walked across the street just at lunch time. The stand was filled with hungry customers. He unholstered his revolvers and established himself directly in the door of the eating emporium.

"Don't get excited, gent's," he explained to the wide-eyed customers. "I'm jest here to collect an old account. You can pay right here, as you leave."

He counted the amount of each customer until he had in hand the \$3.75 due. Then he holstered his guns, thanked the blubbing proprietor and invited the nervous customers to come over and have drinks on the Jersey Lilly. This was typical of Judge Roy Bean.



THE MOST FAMOUS CASE EVER TRIED IN WILKINSON COUNTY

Reprint from Wilkinson County News,
Irwinton, Ga., of July 26, 1924. From South-
ern Lawyer, Milledgeville, Ga.

IRISHMAN PLEADS OWN DEFENSE

The following article illustrates the force with which a man can plead his cause, when he is thrown on his own resources. The facts cited in this article are the greater part true, as stated by those who were in touch with the scenes enacted.

The State vs. James Kirkpatrick, Assault with intent to murder. Indictment in Wilkinson Superior Court and trial October term 1873. Judge Geo. T. Bartlett presiding. For the State ex-Solicitor General Fleming Jordon. For the defendant, M. N. Murphy.

The following named jurors were empaneled and sworn to try said case (1) R. E. Hatfield, (2) W. J. Underwood, (3) S. J. Fountain, (4) James Jones, (5) Jacob Jackson, (6) W. A. Hall, (7) B. I. Stevens, (8) S. A. Hatfield, (9) S. K. Arrington, (10) J. L. Dupriest, (11) John Allen, (12) R. B. Yarbrough. The testimony submitted on the part of the state was conclusive as to the defendant's guilt, in

that he without provocation, struck one Wm. Smallwood over the head with a large butcher knife, almost killing him. The Defendant put in no testimony (not even making a statement).

Arguments of counsel for the state and defendant were made. The court had concluded his charge to the jury. The impression made on the minds of all those who heard the case was that there was no escape from a conviction. However, just at this time the defendant rose from his seat and addressed the court in the following manner: "Your Honor, kin I say a word to the jury?" The court seemed surprised at this request and said: "You should have made this request before the jury was charged." Kirk replied, "Your Honor, I am nothing but a poor Irishman, and have no knowledge of the court rules, and in my humble way thought that it was not proper for me to say one word until the gentlemen had said all they wanted to say about the case, then I might be permitted to say a word in my own behalf." The court replied by saying: "Oh, well go ahead and say what you want to the jury," and he said:

"Gentlemen of the jury, if this trial was concerned as to Kirk individually, it would make but little difference as to what your verdict should be, but

some of the best blood in the country flows in Kirk's veins, and it would be a disgrace for such good people as he is related to, to have a kinsman in the penitentiary. Besides, I have a little boy named Tom, six years old, at home sick. He can speak "The Boy Stood on the Burning Deck" until tears would come in your eyes, and for his sickness he would have been here to make a speech before you in my behalf. To convict the father of such a bright boy and send him to the penitentiary would be a blight upon his whole life. I know, gentlemen of the jury, that none of you desire to inflict punishment and bring disgrace upon good and innocent people. It is for this that you should spare Kirk. It would not disgrace Kirk, you understand, to convict him and let the court send him to the penitentiary, but it would disgrace a lot of good folks. After all, Kirk is not such a bad fellow at heart. He takes his grog and he will fight, and many have been sent away and carried off. Kirk is a fellow like Bill Smallwood, he is a great drunkard and was drunk when this difficulty occurred and Bill is as mean a man as can be and as sorry a fellow as Kirk, and you all know it. Kirk has done some good things and Bill never has done anything.

"Now, Dick Hatfield, you remember the night after the battle of Baker's Creek, you do, you were sent out on picket with nothing to eat. Kirk knew your gun and stood at your post, he did, while you stepped aside to eat the corn. When you had eaten the second ear and dropped the cob, the noise you made attracted the enemy's picket and he cut down on the sound and came near hitting Kirk, when it should have been you, Dick, instead of Kirk. You were in a tight then Dick, you were, and Kirk stood by you. Now Dick, remember that Kirk is in a tight, he wants you to

stick, he does, (slapping the juror on the knee). Then he said: "Bill Underwood, you remember when you were at Pt. Lookout, a prisoner, sick and lousy, you were, Bill. Kirk then waited on you the best he could, he did, set by your side and brought you through, and you are here now, you are. You were in a tight then, Bill, you were, and Kirk stood by you, he did. Remember, Bill, that Kirk is in a tight now and he wants you to stick," (slapping the juror on the knee). Then he said:

"Seab Fountain, you remember when you were marching to Gerinth after the battle of Shiloh you remember how hungry and footsore we all were. Sebe you said, "Kirk I am about starved, but of all things I want worse is a chew of tobacco. Have you one Kirk? Don't say no," Kirk took from his pocket his last chew, he did, and said here it is Seab. This is my last one and I have been saving it all day until we struck camp that I may lay down on the flat of my back and enjoy it. You looked at it so pitifully, Seab, and begged me so hard for it, you did, until I gave it to you and went without myself. You thanked me and said you would remember me Seab. You were in a tight then and Kirk stuck. Now Kirk is in a tight and he wants you to stick." Then he said:

"Jim Jones, you remember when we were camped at Dalton in the winter of 1863, you do, you had missed your luck and gone broke in a game of chuck luck and you came to Kirk and begged for a stake, you did, and he loaned you one, and you went away and came back with plenty and paid me and said, 'Kirk that loan did me more good than any favor I have ever received and I shall always remember you for it.' Now Jim you were in a tight then and broke, and Kirk stuck. Remember

that Kirk is in a tight now and wants you to stick sure, Jim."

"Joe Johnson, you remember the night the army was driven from Missionary Ridge, you do, you had run out, lost your hat, was bareheaded and shivering from cold, and came to Kirk and said, 'I never wanted a drink so bad in my life and any man who has got any and will let me have it, I will not only pay him for it, but will stand to him to the last.' You said so Joe. Kirk had a canteen and he told you so. He did not pour it out in a spoon, but handed to you his canteen and let you take a good drink, and begged, and came near drinking up the bulk of my quart, you did, Joe, and I charged you nothing for it. You were in a tight then, Joe, and Kirk stuck. Remember Kirk is in a tight and he wants you to stick, Joe. Yes stick Joe.

"Alfred Hall, you were always a good paying fellow and you and Kirk did not run together only when a fight was on, and then we were about. You remember the night after the Battle of Resseca, you came to Kirk, after our line had fallen back and said, 'Kirk, my brother is left behind, either wounded or killed.' You were wounded so that you could not go, and you requested Kirk to do you the favor to go and look after your brother. Then it was that Kirk told you he would do it. At the risk of his life, Kirk went and found him, and he was mortally wounded, took him on his shoulder and carried him for a mile or more and brought him into our lines, laid him down and we saw him die. Now, Alfred you thanked Kirk for the kindness and said you always would remember it and if you could ever do him a favor, Alfred, now Kirk is in a tight, and he wants you to stick."

"Bart Stephens, you remember the night the army fell back from Kenesaw Mountain across the Chattahoo-

chee River, you were sick and begged Kirk to stay with you and take care of you, you did. Kirk did so and carried your gun and knapsack all night for you, he did, and the next morning you thanked Kirk and told the captain what had been done for you and you promised that you would always stick to Kirk, you did. Now Bart, the time is at hand to stick to Kirk, and if you think well of what he has done for you, stick."

"Sam Hatfield, you remember in the battle of Atlanta what a bloody battle it was, you got wounded, you did. We had to fall back and form a new line and you called to Kirk, 'Help me don't leave me here alone—the Yanks will get me.' Kirk said, 'Sam begorra, I will do it.' He did: took you on his back and carried you to a place of safety in the new lines. You thanked him then and said, 'If I can be of any service to you Kirk, call on me.' Now Sam, Kirk don't remember that he has ever called on you before, but understand, he is calling now, is in a tight and wants you to stick." Then he said:

"Jess Arrington, you remember when on the return after the bloody battle of Nashville in December, 1864, that it was a terrible day; you and another soldier got into a scrap over a pair of shoes lying by the roadside, and about the time Kirk came up the other fellow was about to get the best of you, he was, Jess, but Kirk re-enforced you and we soon put him to rout and held to the shoes, we did. Then you sat down and put them on and as you went on your way you were saying, 'Kirk these shoes make my feet so much better, and if it had not been for you, that fellow would have defeated me and would have them on his own feet. I assure you that I appreciate your assistance and whenever an opportunity is offered, I certainly will stand by you.' Now Jess, Kirk has never

called on you before but he seems to be in a tight now and is calling on you, and begorra, he wants you to stick."

"You other gentlemen of the jury, whose names Kirk cannot recall, if I have not been of any service to you, do not blame Kirk, for it was only the want of opportunity, and your misfortune for not being with Kirk for he certainly would have divided his last chew and his only drink with you had a chance came in a way to have done so. Kirk is nothing but a dirty drunken old Irishman, who has lost all the caste that blood and family gave him, but he carries a big heart and a forgiving spirit. He loves mercy and has feeling for humanity. It is only when he has lost his head from drink that he is vicious and wants to fight. He is sorry that his neighbor was hurt, but it was not Kirk that hurt him, it was the grog that he was carrying that he ran up against and got hurt. Now if these gentlemen of the jury who know Kirk and for whom he has done something are willing to stick to him and relieve him and his good kinfolks and above all that bright little fellow from disgrace then stand for Kirk and stick to him."

When Kirk took his seat the jury, the bar and the whole audience were deeply affected and manifested great sympathy for Kirk. The Court only directed the jury to retire and return such verdict as you ought to find in this case. The jury filed out of the box and returned within a few minutes with their verdict, handing it to the solicitor general, who announced aloud, "We the jury, find the defendant, not guilty." Then a shout of applause went up, receiving no rebuke from the Court. Kirk was bore away from the court by friendly hands with congratulations. Thus ended the most famous case ever tried in Wilkinson County, Georgia.

Sixteen

A BABY'S BILL OF RIGHTS

MR. AND MRS. ROBERT A. MORTON
announce the safe arrival of a Son
whose name shall be

ROBERT MARSHALL

weight eight pounds, seven ounces, born on

MONDAY, JANUARY 5, 1931,

at the Hospital of the Good Samaritan
Los Angeles, California

After greeting those present in the customary vocal manner, the Baby issued the following statement:

"WELL, here I am at last and congratulations to all! This is a most serious and interesting moment for me. Of course I had nothing whatever to do with the arrangements. However, I know by the light in Mother's eyes and the heavenly smile on her lips and my Daddy's joyful face that I am wanted, and that I shall rest in arms that have longingly waited for me. Surely, an auspicious beginning! But the future also must be considered, and to that end I urge that we go into conference and try to arrive at a friendly understanding.

"To begin with, I intend to play fairly with you and to overlook any shortcomings that heredity or environment may have fastened upon you. You will please assume the same attitude toward me. I know that I am only an animate bit of protoplasm from out the misty past, and that I have few if any legal rights. Mentally and physically I am a package of sensations, cells, reactions and whatnot, which you have passed on to me from the beginnings of life itself. Nevertheless, by virtue of the constitutional right to be born, I am in equity entitled to a happy sojourn and a fair share of the worthwhile pleasures and satisfactions that remain in this mechanical age. I feel that I have a soul; at least I have a hungry feeling between my ribs and

a sense of justice that must never be trampled upon.

"The privilege of being born with which you have favored me, if it shall prove to be a privilege, presumably includes the favor of daily baths at correct temperature, warm nighties, meals at scientific intervals, and a plethora of bedtime kisses. However, I am born in a modernistic era where speed is necessary, and although home comforts will be appreciated and even demanded from time to time, I prefer not to be Mother Goosed any longer than is required for educational purposes. More important than fairy tales nowadays is the ability to think, to think clearly, to think accurately, to think honestly, and to think justly.

"If you allow me to become burdened with destructive habits or with prejudices you will be unkind to me, for at all cost must I retain my intellectual freedom, an impartial mind, and the fine sense of right and fair play with which I am born. You shall lead my nature along paths of tolerance and generosity; you shall teach me the facts of life, the lessons of history and of religions, and the viewpoints of philosophy. And although my vision must be clear I must not be a stranger to dreams, for dreams soften the realities and afford now and then a glimpse into the domain of the unseen. For these and for others of the richer qualities of mind I am in the main dependent upon you. If you fail me I shall perhaps walk in the darkness.

"Now then, my Dears, you have my preliminary views. I hope my demands are not unreasonable, and if you should fail for lack of capacity I shall not reproach you. I feel delightfully drowsy and a snooze is in order. Please remember, that all a Baby wants in this world is a square deal and a chance to make good!"

A MINNESOTA "GRAND" JUDGE CHARGES THE GRAND JURY

A synopsis of a charge given to the grand jury at the June, 1859, general term of the District Court in and for one of the counties of Minnesota, as understood by an outsider, and appreciated by all the bystanders. Written at the time by an attorney then present in court and who heard the charge.

"GENTLEMEN of the Grand Jury: In entering upon your duties, you are to consider yourselves a body corporate, having deliberative powers and prerogatives, like unto other men. The well being of the Christian portion of the community is especially committed to your charge:—

"I go further, gentlemen, I tell you that I, though sitting here as I do, as judge of this high and honorable court, am a man of like powers, passions, propensities and prerogatives as other men, save and except such as have by early piety, mature age, and long and tried judicial experience been conquered and brought into due submission.

"Gentlemen of the jury, the duties which you are called upon to perform are peremptorily demanded of you by the government of the country in which you live. Therefore, gentlemen of the jury, you will see that you are in duty bound to give your undivided attention to finding and presenting to the court, indictments and presentments against your fellow citizens who have been unfortunate enough to be detected in the commission or omission of any crime or misdemeanor known to the laws of your commonwealth. You should not allow your thoughts and attentions to be diverted or substructed from the great trust reposed in you, and upon which, and about which, I, sitting here on this bench as I do, am charging and instructing you. You should consider, gentlemen, that you are not the only men who are

called upon to forego personal interests, and sacrifice secular concerns, in a performance of the duties you owe to yourselves, your neighbors, and the unfortunate fellow citizens aforesaid.

"I go further, gentlemen, I say to you that I, sitting here as judge of this court, have forewent secular concerns, many times for the benefit of the human family, in the performance of the great and arduous duties of the station of judge, for which, with egotism I can safely say that God and nature have amply qualified me, and to which the people by their generous sufferings have called and reduced me. (Here his honor glanced at the bystanders, and sniffed ominously at the nasal organ.)

"Gentlemen of the jury, you are common men and not supposed to know or understand much of anything, especially about the ponderous and weighty duties of grand jurors, and it therefore becomes my duty, sitting here as the honorable judge of this court, to instruct and inform you.

"Gentlemen of the jury, the crimes known to our laws, sometimes spoken of as the code, are three in number, viz.: larceny, perjury and bigamy.

"There are some other crimes known as common law crimes, but as these are common and ordinary, I shall not refer to them.

"Larceny is often, from its nature, called theft. These are technical terms, understood by the court only.

"Bigamy is nothing more or less than double mating, double marrying, or bigamating, which terms, are also technical, and will be explained later on.

"Perjury is defined by our ancient law writers to be false swearing without cause and with intent to cheat or defraud.

"I shall now proceed to be more specific in defining these code crimes.

"Firstly: The crime of larceny or

theft consists in unlawfully taking property, personal or real, without authority of law, and detaining the same without justification or probable cause, and against the earnest and repeated protestations of the owner. For instance, the taking of another's well and using it as a miners' shaft, or the unlawful taking possession of town lots, would be real larceny, or larceny in the real estate aspect of the case. So, also, the pulling of the wool from the back of your neighbor's sheep or swine, would be the clearest sort of personal larceny or individual theft.

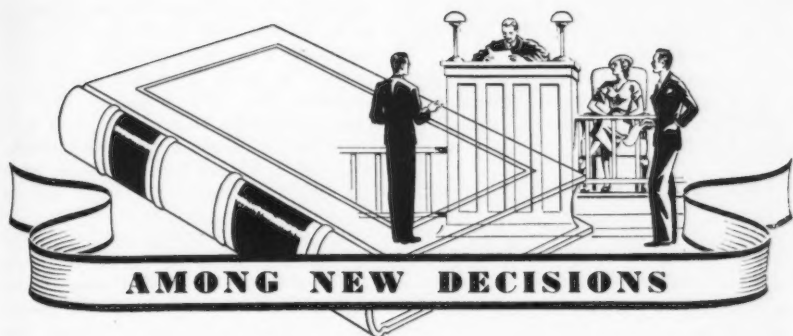
"From these copious illustrations, gentlemen of the jury, I think you (although but common men) will be able to know and understand what theft really is, and I pass on to:

"Secondly: The crime of bigamy means just what the word seems to indicate, and what I told you before it did mean. If any persons in this county have been committing this gross and heinous crime, you will present them to the court.

"Gentlemen of the jury, in ancient times there was such a crime as sodomy; but no such crime exists now, it having been rendered obsolete by an ancient decree, and the Sodomites have not been known to exist since the 'great disposer of public events' so effectually cleaned them out and soused them in the Dead Sea.

"Gentlemen of the jury, judges, sitting as the court as I now do, are not usually as explicit and definite and certain in their instructions to grand juries as I have been; but this being the first term of court in your county since the people elected me to this august and honorable station, I have deemed it proper to be a little more clear than I otherwise would be.

"The Clerk will swear the attendant, and may the Lord have mercy on this county."



Assessments — *relief from excessive.* In *Re Blatt*, — N. M. —, 67 P. (2d) 293, 110 A.L.R. 656, it was held that no remedy against excessive assessment is afforded by a statute which provides that where any person shall pay a tax under protest claiming the same to be "erroneously or illegally charged" he may present his claim to the court, which shall hear and determine the matter and enter such judgment as the facts may require.

Annotation: Excessive assessments as within contemplation of statute providing for refunding of taxes "erroneously or illegally charged." 110 A.L.R. 670.

Automobiles — *constitutionality of tribunal to deal with disputes as to accidents.* In *Re Opinion of the Justices*, 87 N. H. 492, 179 A. 344, 110 A.L.R. 819, it was held that an act creating an executive tribunal with power to adjudicate disputes arising out of motor vehicle accidents on the highways of the State contravenes a constitutional provision that the powers of the executive, legislative, and judicial branches of government ought to be kept as separate from and independent of each other as the nature of free government will admit or as is consistent with the unity of the whole.

Annotation: Constitutionality, construction, and application of statute for determination by executive or administrative board of questions in relation to motor vehicle accidents. 110 A.L.R. 826.

Automobile Insurance — *notice of claim under theft policy.* In *Commercial Standard Ins. Co. v. Harper*, — Tex. —, 103 S. W. (2d) 143, 110 A.L.R. 529, it was held that a statute declaring void a stipulation in a contract requiring notice of a "claim for damages" within less than ninety days is not applicable to a clause in an automobile theft insurance policy making "immediate" notice of a theft a condition of the right to recover for a loss.

Annotation: Construction and application of provisions of automobile theft policy regarding notice and claim. 110 A.L.R. 534.

Banks — *certification of check as admission of genuineness of drawer's signature.* In *Banca Commerciale Italiana Trust Co. v. Clarkson*, 274 N. Y. 69, 8 N. E. (2d) 281, 110 A.L.R. 1105, it was held that a bank is not precluded from recovering back the amount which it has paid on forged checks to a holder for value by the fact it certified the checks, where the holder or his agent suspected or

should have suspected forgery at the time he received the checks and had them certified.

Annotation: Drawee bank's certification of check as an admission of genuineness of drawer's signature. 110 A.L.R. 1109.

Bills and Notes — stolen travelers' checks. In *American Exp. Co. v. Anadarko Bank & Trust Co.* 179 Okla. 606, 67 P. (2d) 55, 110 A.L.R. 972, it was held that the fact that a completed negotiable instrument was stolen prior to its delivery constitutes no defense to the claim of a bona fide holder for value.

Annotation: Lost or stolen travelers' checks. 110 A.L.R. 976.

Caravan Act — validity. In *Wallace v. Post*, — Idaho, —, 65 P. (2d) 725, 110 A.L.R. 613, it was held that a license fee imposed by a state Caravan Act on each automobile transported from without the State on its own wheels or in tow of another motor vehicle, for the purpose of selling or offering the same for sale, is not unconstitutional as to nonresident operators as depriving them of their liberty and property without due process of law, denying them the equal protection of the laws, or depriving them of privileges and immunities enjoyed by citizens of the State, where resident automobile dealers are subject to a license tax and the burden of the caravan license fee is not shown to be disproportionate.

Annotation: Constitutionality, construction, and application of statutes relating to highway transportation of automobiles for purposes of sale. 110 A.L.R. 622.

Charities — condition attached to bequest. In *Re Estate of DeBancourt*, 279 Mich. 518, 272 N. W. 891, 110 A.L.R. 1346, it was held that an executor is justified in refusing to pay

a bequest to a charitable organization to be used in the erection of a building, where the will provides that the money be paid when the executor is satisfied that the building will be completed and that the legatee will be able to finance its construction, and the building has not been commenced and the organization has no money for the purpose.

Annotation: Right of legatee or devisee and duty of executor in respect of legacy or devise payment of which is by the terms of will conditional upon performance of some act or course of conduct by legatee or upon some future event. 110 A.L.R. 1354.

Commerce — regulating transportation of intoxicating liquor. In *Commonwealth v. One Dodge Motor-truck*, — Pa. —, 191 A. 590, 110 A.L.R. 919, it was held that a state may, consistently with the commerce clause, forbid the transportation within the state of liquor shipped from the state into another state, except in vehicles of the manufacturer bearing his name and address on each side or in the vehicle of another having a permit for the transportation of liquor.

Annotation: State statute or ordinance prohibiting or regulating transportation of intoxicating liquor as interference with interstate commerce. 110 A.L.R. 931.

Constitutional Law — sales tax. In *Frazier v. State Tax Commission*, — Ala. —, 175 So. 402, 110 A.L.R. 1479, it was held that a statute imposing as a privilege or license tax upon every person, firm, or corporation engaged in selling tangible personal property at retail a tax equal to 2 per cent of the gross proceeds is not rendered unconstitutionally discriminatory by the exemption therefrom of amounts received by manufacturers, compounders, processors, producers, miners, and quarriers

from sales to consumers in carload lots or in larger quantities.

Annotation: Validity of so-called "sales tax." 110 A.L.R. 1485.

Contracts — *union labor as basis of discretion.* In *Pallas v. Johnson*, — Colo. —, 68 P. (2d) 559, 110 A.L.R. 1403, it was held that the discretion conferred by a statute providing that all contracts made by the state purchasing agent shall be awarded "to the lowest responsible bidder, taking into consideration the location of the institution or agency," is not abused by awarding one of a group of contracts for plumbing and heating work on state buildings, the completion of which without delay was highly desirable, to one whose bid of \$17,700 was only \$300 more than the lowest bid, where the work was to be performed in an industrial center in which labor is highly organized into unions and the principal contract of the group had been let to a contractor employing union labor, while the lowest bidder on the contract in question maintained an "open shop."

Annotation: Labor conditions or relations as factor in determining lowest responsible bidder for public contract or as factor in determining whether public contract should be let to lowest bidder. 110 A.L.R. 1406.

Criminal Law — *duty to warn of plea of guilty.* In *State v. Cooper*, 366 Ill. 113, 7 N. E. (2d) 882, 110 A.L.R. 223, it was held that the failure of the trial court to make the explanation required by a mandatory statute which provides that a plea of guilty shall not be entered until the court shall have fully explained to the accused the consequences of entering such plea is ground for reversal.

Annotation: Duty of court as to admonishing defendant of conse-

quences of his plea of guilty. 110 A.L.R. 228.

Criminal Law — *validity of statutory joinder.* In *People v. Adams*, 274 N. Y. 447, 9 N. E. (2d) 46, 110 A.L.R. 1303, it was held that a statute permitting the consolidation into one indictment of charges of crimes of a similar nature or constituting parts of a common plan or scheme is not, as applied in the case of offenses committed prior to its enactment, violative of the inhibition, by Art. 1, § 10, of the United States Constitution, of the enactment of ex post facto laws, although more peremptory challenges would be available to the accused if tried separately for each offense.

Annotation: Constitutional prohibition of ex post facto laws as applicable to statutes relating to joinder of offenses or defendants. 110 A.L.R. 1308.

Dower — *property conveyed in fraud of creditors.* In *McLawhorn v. Smith*, — N. C. —, 191 S. E. 35, 110 A.L.R. 980, it was held that a widow is not dowerable of land conveyed by her husband before marriage in fraud of creditors, upon the setting aside of the conveyance at the suit of a creditor.

Annotation: Dower rights in respect of land conveyed by husband prior to the marriage in fraud of creditors. 110 A.L.R. 985.

Easement — *effect of tax sale.* In *Northwestern Improvement Co. v. Lowry*, — Mont. —, 66 P. (2d) 792, 110 A.L.R. 605, it was held that a tax sale, though operating to give the purchaser a title free of encumbrances, does not divest the premises of a negative easement to which they are subject.

Annotation: Easement or servitude as affected by sale for taxes. 110 A.L.R. 612.



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Easements — location of. In *Ingelson v. Olson*, — Minn. —, 272 N. W. 272, 110 A.L.R. 167, it was held that in case of an indefinite location of an easement of way upon land definitely described, the grantor may in the first instance locate a convenient and suitable way; if he fails to do so, the grantee may locate it in a reasonable manner; or, if the parties fail to locate it and cannot agree, a court of equity has the power to affirmatively and specifically determine its location.

Annotation: Locating easement of way created by a grant which does not definitely describe its location. 110 A.L.R. 174.

Electricity — telephone company's duty to protect patrons. In *Fox v. Keystone Teleph. Co.* — Pa. —, 192 A. 116, 110 A.L.R. 1182, it was held that a telephone company must, in view of the fact that its wires can become the conductor of dangerous electric currents, do all that human care, skill, and vigilance can devise to protect its patrons from injury by such a current.

Annotation: Liability of telephone company for injury to person or damage to property from electric current upon property on which telephone instrument is installed. 110 A.L.R. 1188.

Eminent Domain — rights of mortgagee. In *Fidelity-Philadelphia Tr. Co. v. Kraus*, — Pa. —, 190 A. 874, 110 A.L.R. 538, it was held that while the owner of land at the time property is taken for public use is the person entitled to the damages awarded for such taking, a mortgagee has standing to intervene and claim the fund to the extent necessary to satisfy his lien, regardless of whether the mortgaged land is worth more or less than the debt secured, on the theory that the land has been converted into

money to the extent to which damages are allowed.

Annotation: Protection of rights of mortgagee in eminent domain proceedings. 110 A.L.R. 542.

Evidence — intrinsic value. In *Geselle v. American Home F. Assur. Co.* 146 Kan. 138, 68 P. (2d) 1097, 110 A.L.R. 1370, it was held that the ruling in the case of *Kerr v. National F. Ins. Co.* 141 Kan. 393, 41 P. (2d) 726, as applied to the testimony in a fire insurance case, and as previously outlined in the case of *St. Louis, K. & A. R. Co. v. Chapman*, 38 Kan. 307, 16 P. 695, 5 Am. St. Rep. 744, is adhered to and followed to the effect that evidence as to the worth, actual, real, or intrinsic value of articles damaged or destroyed by fire is incompetent unless there is evidence to show that such articles or personal property had no market value at the time of the fire.

Annotation: Lack of market value as a necessary condition of admissibility of evidence of actual or intrinsic value. 110 A.L.R. 1375.

Executors — compensation of. In *Re Estate of Pringle*, — Wyo. —, 67 P. (2d) 204, 110 A.L.R. 987, it was held that in determining the commissions of an executor based upon "the amount of the estate accounted for by him," the amount of losses for which he is not responsible may not be considered as a part of the amount accounted for.

Annotation: Loss or depreciation of assets for which executor, administrator, or trustee is not responsible, as affecting the amount of his compensation. 110 A.L.R. 994.

Fire Insurance — fire set by insured while insane. In *Hier, v. Farmers Mut. F. Ins. Co.* — Mont. —, 67 P. (2d) 831, 110 A.L.R. 1051, it was held that the equitable maxim that he who comes into equity must come

with clean hands will not preclude recovery on a fire insurance policy covering property set on fire by the assured while insane.

Annotation: Act of insured while mentally incompetent in causing loss otherwise within coverage of property or liability insurance policy as defense or ground of setoff or counterclaim. 110 A.L.R. 1060.

Garnishment — waiver of setoff. In *Walters v. Bank of America Nat. Tr. & Sav. Assn.* — Cal. (2d) —, 69 P. (2d) 839, 110 A.L.R. 1259, it was held that a bank cannot defeat an attachment of a deposit by assuming to apply it by way of setoff to a note then due, where, without any further deposit having been made, it subsequently honored checks of the depositor up to the full amount of the deposit and recredited the depositor's account with the amount of the deposit and debited a like amount on the note.

Annotation: Garnishment of bank deposit as affected by bank's right or waiver of right to set off depositor's indebtedness to it against deposit or apply deposit to such indebtedness. 110 A.L.R. 1268.

Group Insurance — conflict of laws as to. In *Boseman v. Connecticut Gen. Life Ins. Co.* 301 U. S. 196, 81 L. ed. 1036, 57 S. Ct. 686, 110 A.L.R. 732, it was held that a policy of group insurance is governed, as between employer and insurer, by the law of the place of issuance and delivery of the policy, where the policy expressly provides that it is to be governed by such law.

Annotation: Conflict of laws regarding group insurance. 110 A.L.R. 738.

Home Owners' Loan Act — agreement contrary to act. In *Cook v. Donner*, 145 Kan. 674, 66 P. (2d) 587, 110 A.L.R. 244, it was held that

where a mortgagee at the same time or after he executes to the Home Owners' Loan Corporation a release of all his claims against his debtor, and receives a less amount in bonds from the corporation making the loan to the debtor, agrees secretly or otherwise with the debtor that the debtor will give him a note and second mortgage on the property to cover the loss he has sustained in making the release, such agreement is in violation of the spirit of the act and rules under which the release was made, it denotes bad faith, is against public policy, and the note and mortgage so given are null and void.

Annotation: Home Owners' Loan Act. 110 A.L.R. 250.

Indictment — impeaching by grand juror's testimony. In *State v. Kifer*, 186 La. 674, 173 So. 169, 110 A.L.R. 1017, it was held that the presence of the district attorney in the grand jury room while the grand jury was deliberating and voting upon an indictment, contrary to the provisions of a statute, may, in the interest of the public policy manifested by the statute, be proved by the testimony of members of the grand jury, although ordinarily a grand juror may not impeach his finding.

Annotation: Admissibility of testimony or affidavits of grand jurors for purpose of impeaching indictment. 110 A.L.R. 1023.

Insurance — presumption of disability. In *Reed v. New York Life Ins. Co.* 131 Neb. 330, 268 N. W. 290, 110 A.L.R. 626, it was held that insured, though totally disabled for more than three consecutive months, held not entitled to recover, where disability was neither total nor permanent when he claimed benefits under a policy raising presumption of permanence after three months' disability.

Annotation: Construction, appli-

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on, and effect of provision of statutory policy which raises a presumption of total and permanent disability of insured after continuation of disability for a specified period. 110 A.L.R. 631.

Joinder — declaratory judgment action. In *Manchester v. Townsend*, — Vt. —, 192 A. 22, 110 A.L.R. 811, it was held that joinder of defendants in an action for a declaratory judgment is permissible only where there is a community of interest in questions of law and fact.

Annotation: Joinder of causes of action and parties in suit under Declaratory Judgment Act. 110 A.L.R. 817.

Judgment — habeas corpus proceeding for custody of child as conclusive. In *Tull v. Tull*, — Md. —, 191 A. 572, 110 A.L.R. 742, it was held that an order in a habeas corpus proceeding relating to the custody of a child does not preclude a court of equity in a divorce suit between the parents from subsequently assuming jurisdiction and passing orders relating thereto, as the present welfare and happiness of the child may warrant.

Annotation: Jurisdiction of court in divorce suit to award custody of child as affected by orders in, or pendency of, proceedings in habeas corpus for custody of child. 110 A.L.R. 745.

Landlord and Tenant — who is third person within rule as to defects. In *Harris v. Lewistown Trust Co.* — Pa. —, 191 A. 34, 110 A.L.R. 749, it was held that the fact that a defect in demised premises at the time of the letting may amount to a nuisance, so as to render the lessor liable for injury therefrom to third persons or strangers to the premises, will not render him liable for injury to one on the premises in the right

of the tenant, such as his wife or employee.

Annotation: Who is a stranger or third person within the rule regarding landlord's liability to stranger or third person where premises are in a ruinous condition or condition amounting to a nuisance when leased. 110 A.L.R. 756.

Libel — misstatements of matters of public interest. In *Washington Times Co. v. Bonner*, 66 App. D. C. 280, 86 F. (2d) 836, 110 A.L.R. 393, it was held that the privilege of fair comment on matters of public interest, which constitutes a defense to an action for defamation, does not extend to misstatements of fact, even though made without malice.

Annotation: Doctrine of privilege or fair comment as applicable to misstatements of fact in publication (or oral communication) relating to public officer or candidate for office. 110 A.L.R. 412.

License — municipal chain store tax. In *Fredericksburg v. Sanitary Grocery Co.* — Va. —, 190 S. E. 318, 110 A.L.R. 1195, it was held that a special license tax imposed on chain stores by a city empowered by its charter to levy, assess, and collect taxes on all subjects the taxation of which by cities is not forbidden by general law, and to levy a tax or license on any person, firm, or corporation conducting any business or profession whatsoever in the city, except when prohibited by general law, whether a license may be required therefor by the State or not, is not invalid as making a classification of merchants dissimilar to that adopted by the State.

Annotation: Power of municipality to classify for purposes of taxation as affected by classification made by state or its failure to classify. 110 A.L.R. 1203.

Limitation of Actions — breach of recording officer's duty. In *Baie v. Rook*, — Iowa, —, 273 N. W. 902, 110 A.L.R. 1062, it was held that the statute of limitations begins to run against a cause of action against a county recorder for negligence in failing properly to index a chattel mortgage, whereby the lien of such mortgage became subordinated to that of a subsequent mortgage, from the time of the failure to index rather than from the time the plaintiff was deprived of his security.

Annotation: When statute of limitation commences to run against an action based on breach of duty by recording officer. 110 A.L.R. 1067.

Limitation of Actions — fraud in absence of actual injury. In *Gollon v. Jackson Milling Co.* — Wis. —, 273 N. W. 59, 110 A.L.R. 1173, it was held that one induced by fraud to grant a greater right of flowage than he intended cannot be said to have sustained no damage, so as to postpone the accrual of a right of action against which the statute of limitations begins to run, until a flooding of the land in excess of the grant which he intended to make.

Annotation: Time when limitation commences to run against action at law or in equity based on fraud inducing execution of contract or conveyance as affected by time when actual damages resulted. 110 A.L.R. 1178.

Master and Servant — servant's liability to master. In *Darman v. Zilch*, — R. I. —, 186 A. 21, 110 A.L.R. 826, it was held that the rule that an employee is liable to his employer for acts of negligence causing loss or damage to the employer is not inapplicable to domestic servants.

Annotation: Servant's liability to master for negligent or other wrongful injury to person or property of master or of third person for which

master is responsible. 110 A.L.R. 831.

Milk Regulation — validity. In *La Franchi v. Santa Rosa*, — Cal. (2d) —, 65 P. (2d) 1301, 110 A.L.R. 639, it was held that a municipal ordinance prohibiting the sale within the city of milk pasteurized outside its corporate limits is, as applied to a producer in the same inspection district as the municipality, unreasonable, and in conflict with state laws providing for the establishment of milk inspection service and giving the right to sell the inspected milk throughout the inspection district.

Annotation: Constitutionality of regulations as to milk. 110 A.L.R. 644.

Mortgages — control over foreclosure. In *Poage v. Co-operative Pub. Co.* — Idaho, —, 66 P. (2d) 1119, 110 A.L.R. 1322, it was held that a stipulation in a trust mortgage securing a bond issue that any foreclosure suit shall be subject to the control of a majority in amount of the bondholders, and that it shall be lawful for them to direct the trustees to waive a default or to dismiss a foreclosure suit, will not be construed as enabling the majority to prevent or delay a foreclosure so that the statute of limitations would bar a recovery, or to release the security to the prejudice of any bondholder, since a court of equity would hold void and disregard any stipulation so operating.

Annotation: Validity, construction, and application of provisions authorizing holders of majority of a series of corporate bonds or other obligations to waive default of obligor, or to control or dismiss suit for enforcement of security. 110 A.L.R. 1339.

Municipal Corporations — creating indefinite number of offices. In *Holcombe v. Grota*, — Tex. —, 102 S. W.

(2d) 1041, 110 A.L.R. 234, it was held that an ordinance attempting to create an indefinite number of offices without a maximum limitation is void.

Annotation: Validity and effect of municipal ordinance or resolution that purports to create an indefinite number of offices or positions and to authorize appointment of as many persons as shall from time to time be deemed necessary. 110 A.L.R. 241.

Municipal Corporations — liability on implied contract. In *U. S. Rubber Products v. Batesburg*, 183 S. C. 49, 190 S. E. 120, 110 A.L.R. 144, it was held that the material issue tendered by the complaint in an action against a municipal corporation, not upon contract but for the value of goods had and received that were essential and beneficial to it in the operation of its fire department, is not what the plaintiff has parted with to officers who were not authorized to take the goods for it, but whether the municipality has been benefited and to what extent, or how much is the reasonable value of the goods had and received.

Annotation: Liability of municipality or other governmental body on implied or quasi contracts for value of property or work. 110 A.L.R. 153.

Municipal Corporations — regulating wearing apparel. In *People v. O'Gorman*, 274 N. Y. 284, 8 N. E. (2d) 862, 110 A.L.R. 1231, it was held that a municipal ordinance forbidding persons over the age of sixteen to appear on the city's streets "in any other than customary street attire" is too vague to be legal.

Annotation: Validity, construction, and application of statutes or ordinances relating to decency as regards wearing apparel or lack of it. 110 A.L.R. 1233.

Municipal Corporations — use of automobile as a governmental function. In *Hagerman v. Seattle*, — Wash. —, 66 P. (2d) 1152, 110 A.L.R. 1110, the Washington court in an important decision held that the immunity of municipal corporations from liability for the negligence of their employees when engaged in the performance of a governmental function extends to the negligent operation of a truck used by the health department for the transportation of supplies to municipally maintained hospitals.

Annotation: Use of municipal automobile as a corporate or as a governmental function. 110 A.L.R. 1117.

Name — grounds for denying change of. In *Re Ross*, — Cal. (2d) —, 67 P. (2d) 94, 110 A.L.R. 217, it was held that one discharged in bankruptcy has subsequently failed to pay the discharged debts is not a proper ground for denying his petition for a decree recording a change in his personal name.

Annotation: Duty and discretion of court in passing upon petition to change name of individual. 110 A.L.R. 219.

Negligence — imputed from mother to father. In *Illingworth v. Madden*, — Me. —, 192 A. 273, 110 A.L.R. 1090, it was held that negligence of a mother in the care of a minor child in the father's absence, which was contributory to injuries sustained by the child, is not imputable to the father so as to bar him from recovering his losses and expenses in consequence of such injuries, where the husband and wife do not constitute a legal community or have a joint interest in the proceeds of the recovery.

Annotation: Negligence of one spouse as imputable to other because of the marital relationship itself. 110 A.L.R. 1099.

Nuisances — automobile wrecking business. In *Parkersburg Builders Material Co. v. Barrack*, — W. Va. —, 191 S. E. 368, 192 S. E. 291, 110 A.L.R. 1454, it was held that where a section of a city is not a clearly established residential community, equity will not be warranted in excluding therefrom as a nuisance an automobile wrecking business merely on the ground of unsightliness.

Annotation: Automobile wrecking or parking place as a nuisance. 110 A.L.R. 1461.

Officers — change of title of office. In *State v. Troy*, — Wash. —, 68 P. (2d) 413, 110 A.L.R. 1211, it was held that the title of the officers designated by the state Constitution as "prosecuting attorneys" may not be changed by legislative enactment to "district attorneys," since such change involves an amendment of the Constitution.

Annotation: Power of legislature to change title of constitutional office. 110 A.L.R. 1215.

Perpetuities — postponement of enjoyment. In *Camden Safe Deposit & Tr. Co. v. Scott*, — N. J. —, 189 A. 653, 110 A.L.R. 1442, it was held that the rule against perpetuities is directed solely against the unlawful postponement of the vesting of estates, and is not applicable to the postponement of their possession and enjoyment.

Annotation: Distinction as regards rule against perpetuities between time of vesting of future estates and time fixed for enjoyment of possession. 110 A.L.R. 1450.

Resale Price — control of. In *Bourjois Sales Corp. v. Dorfman*, 273 N. Y. 167, 7 N. E. (2d) 30, 110 A.L.R. 1411, it was held that a state statute declaring that wilfully and knowingly advertising or offering for sale or selling any commodity bearing the

label, trademark, brand, or name of the producer at less than the price stipulated in any contract entered into pursuant to the provisions of the preceding section declaring a contract to be legal which provides that a buyer of a commodity bearing the label, trademark, brand, or name of the producer will not resell such commodity except at the price stipulated by the vendor, is unfair competition and actionable,—is not unconstitutional. (*Overruling Doubleday, D. & Co. v. R. H. Macy & Co.* 269 N. Y. 272, 199 N. E. 409, 103 A.L.R. 1325.)

Annotation: Right of manufacturer, producer, or wholesaler to control resale price. 110 A.L.R. 1413.

Schools — requiring flag salute. In *Nicholls v. Lynn*, — Mass. —, 7 N. E. (2d) 577, 110 A.L.R. 377, it was held that a rule promulgated by a school committee requiring a "salute to the flag," consisting of the recital of a pledge of allegiance, to be given in every school at least once a week, is within the authority conferred by a statute giving such committee general charge of the public schools and authorizing it to make regulations as to attendance therein.

Annotation: Power of legislature or school authorities to prescribe and enforce oath of allegiance, "salute to flag," or other ritual of a patriotic character. 110 A.L.R. 383.

Taxation — conditional sales — liens. In *Linn County v. Steele*, — Iowa, —, 273 N. W. 920, 110 A.L.R. 1492, it was held that a legislative intention that the lien of a tax levied upon fixtures or upon a building assessed as personalty shall be paramount to the lien of the vendor under a conditional sale contract is sufficiently manifested by a statute which declares that taxes upon stocks of goods and fixtures shall be a lien thereon and continue a lien when sold in bulk, and may be collected

from the owner, purchaser, or vendee, who shall be personally liable for all taxes thereon, and that taxes on buildings assessed as personal property shall be and remain a lien thereon until paid.

Annotation: Conditional sales in relation to taxation. 110 A.L.R. 1499.

Taxation — newspapers. In *Giragi v. Moore*, — Ariz. —, 58 P. (2d) 1249, 64 P. (2d) 819, 110 A.L.R. 314, it was held that a state statute imposing, for revenue, annual privilege taxes on various forms of business, measured by the amount of business, is not, as to newspaper publishers, violative of the due process clause of the Fourteenth Amendment as abridging the freedom of the press because it also requires that a license be obtained before engaging or continuing in a business subject to the tax, where no condition except the payment of a fee of \$1 is attached to the issuance of a license and the fee, payable but once, is in the nature of a registration fee. (On rehearing.)

Annotation: Constitutionality of statute regulating or imposing tax or license fee upon newspapers or magazines. 110 A.L.R. 327.

Taxation — situs of tangible property. In *Brock & Co. v. Board of Supervisors*, — Cal. (2d) —, 65 P. (2d) 791, 110 A.L.R. 700, it was held that tangible personal property is taxable in the locality where it has an established permanent situs, irrespective of the owner's domicile.

Annotation: Situs as between different states or countries of tangible chattels for purposes of property taxation. 110 A.L.R. 707.

Teachers' Tenure — validity. In *State v. Brand*, — Ind. —, 5 N. E. (2d) 531, 913, 7 N. E. (2d) 777, 110 A.L.R. 778, it was held that the preferential

right to employment created by a Teachers' Tenure Law is not a vested right of which a teacher cannot be deprived by a repeal of the law.

Annotation: Teachers' tenure statutes. 110 A.L.R. 791.

Usury — estoppel to assert. In *Trinity Fire Ins. Co. v. Kerrville Hotel Co.* — Tex. —, 103 S. W. (2d) 121, 110 A.L.R. 442, it was held that a borrower is not estopped from pleading usury against bonds in the hands of an innocent holder by a statement in the bonds and in the deed of trust securing them that they constitute the sole and only contract between the parties.

Annotation: Estoppel to assert usury against innocent purchaser of usurious instrument. 110 A.L.R. 451.

Usury — requiring insurance as. In *Cowan v. Security Life & Tr. Co.* 211 N. C. 18, 188 S. E. 812, 110 A.L.R. 338, it was held that an endowment policy maturing at the expiration of a stated period, unless the insured should die during such period, in which case it is payable to a named beneficiary, is one of life insurance within a statute which provides that where an insurance company, as a condition of a loan, requires that the borrower insure his life with the company and assign the policy as security, the loan shall not be deemed usurious by reason of such requirement where the rate of interest charged does not exceed the legal rate and the premiums charged for the insurance do not exceed premiums charged nonborrowers for similar policies.

Annotation: Constitutionality, construction, and application of statutes relating specifically to transactions by which a borrower, as condition of a loan, is required to carry life insurance as additional security. 110 A.L.R. 343.

BROADCAST TRIALS?—YES!

(continued from page eight)

immemorial gathered to see and hear him tried. In the course of time, the public's assumption of the right to attend such "dramas" became rationalized by lawyers into a legal right of the accused to have the public attend. But the tradition has persisted that the courtroom doors should be open to the first comers. In a democracy it is a sound tradition. In a government of the people we should let the people participate to the fullest extent in the processes of the law, and one form of participation is to observe the courts in action.

In modern times, however, the prescriptive right of the public to attend criminal trials has developed serious disadvantages. We now have an instantaneous whipping-up of public interest whenever the press may choose to exploit a particular case. Pre-trial publicity reaches and affects every literate person. It incites the massing of people about the courthouse and in the courtroom, creating a tense emotional atmosphere which is bound to influence jurors, witnesses, and even the judge.

The judge, of course, has the power to take all steps necessary to preserve order. He may limit the number of persons admitted to the courtroom, expel the disorderly, and exclude the public altogether when the testimony is about to turn upon the indecent or obscene. But on the occasion of a trial made notorious by the press, the average judge will yield somewhat to the pressure of public curiosity—especially in the United States, where a majority of trial judges depend upon popular election for their tenure in office.

Our dilemma is acute: we must satisfy the democratic tradition that the public has a right to attend criminal trials and at the same time cur-

tail the evils consequent upon the exercise of that right. I believe that the radio is an instrument providentially available to solve that dilemma. Television, when it comes, will be even more effective.

Let us look ahead. The time is five or ten years hence. The place, your home. The big murder trial—the "sensation of the century"—is on the air. You "tune in" on your television set and see the courtroom. A witness tells what he saw on the night of January 16. The drama unfolds before you almost as though you were in court—without hysteria or distortion.

You will be able to read about it in the newspapers later, but the freshness will be gone. Millions will have attended the trial via the air and it is no longer front-page stuff. The story will slip back to the inside pages, and even the special write-ups, the pathological details, the "sob-stuff," and the jazzed emotionalism will have somehow lost their edge.

But wouldn't the testimony in criminal trials have a bad effect on the morals of children and other persons of immature mentality who might be listening in? I doubt it. Facts in themselves are seldom harmful. It is the distortion of facts that does the most damage. The young and impressionable are attracted by the romanticized version of the criminal career—the imagined excitement, adventure, and easy getting and spending—not by the reality. There is nothing heroic about a defendant in a criminal trial. His voice, appearance, and demeanor are disillusioning. His exploits as brought out in the crude reality of court proceedings usually dwindle to their true sordid dimensions. The broadcasting of criminal trials would tend to counterbalance the effects of lurid crime news and fantastic stories and moving-picture films about criminals.

It would be necessary, of course, for the courts to exercise strict control and supervision over all trial broadcasting. They would determine what cases should go on the air, and in every instance the presiding judge could have a control switch within easy reach to cut off the proceedings whenever he might think the testimony was about to become indecent or obscene.

The radio announcer would be a court official stationed in an anteroom. His lines could be limited to the identification of the court and the case on trial. The audience would be multitudinous, but remote and invisible. The judge, the jury, the lawyers, and the witnesses might be conscious of unseen ears and eyes, but they would not be materially disturbed.

Some judges and lawyers would no doubt play up to the radio audience just as they now play up to newspaper readers. At the same time, they would be aware that every ineptitude, every unfair and undignified action would be heard by an audience so vast that a single seriously false move could destroy a reputation. Broadcasting might thus bring about a revival of forensic skill and eloquence and raise the atmosphere of criminal trials to a level which they have not held (in the United States at least) for many generations.

But even if such a result did not follow, broadcasting would tend to improve the order and dignity of criminal-court proceedings. It would avert the unseemly stampede of the inquisitive to attend the trial. The public would soon learn that it could hear (and, with television, see) more at home via the air than on the sidewalk or in the corridors of the courthouse. Judges would have popular support in preventing the overcrowding of courtrooms, the domination of the trial by reporters and cameramen,

and the ruthless disregard of proprieties such as characterized the Hauptmann kidnaping trial.

The broadcasting of trials is not altogether a novelty in the United States. One of the first experiments in this field was initiated in October, 1934, by Judge John Gutknecht, of the Municipal Court of Chicago, with the support of Chief Justice John J. Sonstebj. When Judge Gutknecht was assigned to the Traffic Court, he discovered that a startling number—about 90 percent—of all “tickets” or summonses given to traffic-law violators were being “fixed” or suppressed by politicians and the offenders never brought to trial. Fines were actually paid by not more than 10 percent of those who received tickets.

In a desperate effort to end the “fixing” racket, Judge Gutknecht turned to the radio. By broadcasting the proceedings in which he sentenced some of the “fixers” to jail, he served notice that he intended to stop this practice, and his warning was heeded. “Fixing” is now negligible. At the same time, there was a marked decrease in the total number of traffic-law violations, part of which at least may be attributed to the radio publicizing of the penalties inflicted by the Traffic Court.

It has been objected that it is unfair to single out certain defendants and to broadcast their troubles to the world. This objection has considerable force—especially when it concerns those who are found to be not guilty. But the damage done in minor cases is transitory and inconsiderable. In cases of major importance upon which public interest has been focused, the immolation of an innocent defendant is a cruel wrong. Such a person should be compensated by the State for the injury to his reputation and the cost of defending himself, but in most of the United States no provision is made for this.

The plight of the innocent defendant, however, is an argument against any form of trial publicity and not merely against broadcasting. The situation could be remedied only by complete secrecy of trials. Such secrecy should and probably could be enforced in connection with certain types of private litigation, but it would be out of the question in criminal trials in democratic countries. The true version of a trial sent out over the air might conceivably offset the defendant's exploitation by the press. It certainly could not make matters worse than they now are.

The practicability of broadcasting trials cannot be fully determined until it has been more widely attempted. It would probably not be desirable to put any trial on the air from beginning to end. Broadcasting of any sort is necessarily selective and subject to the availability of outlets. But the difficulties of giving the public a reasonably complete radio version of a trial do not seem to be insuperable.

It takes time, of course, for the courts and the law to adjust to changing conditions. Mechanical invention always runs far ahead of judicial procedure. The use of photographs in evidence was at first strongly op-

posed by the courts, and a dictaphone record purporting to be a will (with certain statutory exceptions) would not today be admitted to probate even though indisputably in the voice of the intended testator.

We are habituated and inured to the products of the linotype and modern newspaper presses. But there is still an element of strangeness about the radio for all but the youngest generation. Its use for broadcasting trials will be bitterly resisted. Like all innovations, it will shock many excellent lawyers and judges. They will be especially fearful that it will somehow derogate from the dignity of judicial proceedings. With due respect for this point of view, I must nevertheless disagree.

The broadcasting of criminal trials, under the control of the courts, is desirable, I believe, not only because it is a logical extension of the public's right to attend such trials, but also because it will counteract the perversions of the press. As a device for conveying a factual account of court proceedings speedily and accurately, it has decided advantages over the printed word.

Its ultimate adoption by the courts for that purpose is certain.

ASIDE from his professional status, the lawyer is a normal citizen who is generally far more interested in preventing crime and uplifting the morals of his community than the average citizen; not only because the lawyer is necessarily a highly educated citizen, which naturally tends to create higher ideals, but also because of his greater understanding and realization of what is right and wrong; this knowledge being gained from his certainly unhappy intercourse with the criminals whom he defends. The only interest an honest lawyer has in the defense of his client is that every point of law favorable to his client be brought before the court, and only such evidence as is relevant to the issue be introduced before the jury.

—GEO. B. BARRY,
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BROADCAST TRIALS?—NO!

(continued from page nine)

the grave being prepared while he was still alive, and finally that awful morning when at one minute to 9 o'clock a little party would assemble in the cell and slowly, followed by the chaplain reading the burial service, he would be led out to die.

Sometimes there would be heart-rending scenes in the court which would remain with me for days. A woman would be sentenced to death for being accessory to the murder of her husband and would be led shouting and screaming from the dock. A man would be condemned to a long term of penal servitude and would suddenly lose all control, shrieking imprecations against the judge and fighting the warders with his bare fists until he was overpowered. Or it would be some boyish lout scarcely out of his teens sentenced for a crime of violence to a dozen lashes with the cat-o'-nine-tails and yelling with terror in anticipation of the torture that awaited him.

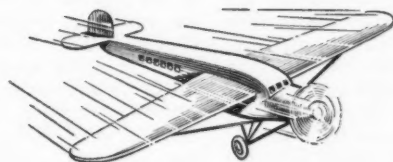
Hardly less dreadful to witness was the iron self-control exercised by men of wealth and position who found themselves in the dock for fraud or embezzlement. I saw the famous Hatry sentenced to 14 years' imprisonment. The scene at the close of the trial will remain with me to the end of my days. Mr. Justice Avory had ended his homily and had begun pronouncement of sentence. "On counts 1-25," he said, "you will go to penal servitude for 14 years." The prisoner, standing rigidly to attention in front of him, staggered back as if struck by a whip across the face. He made as if to stumble down the steps to the prison cell below. "Stay," commanded the judge, "I have not finished. On counts 30-37 you will go to penal servitude for seven years, the sentence to run concurrently." Hatry made another attempt to es-

cape. He had just disappeared when again the harsh voice of the judge rang out in the packed and silent court, "Bring back the prisoner." Up came the wretched man to face again that awful ordeal. "I had forgotten," said the judge, "some other counts in your indictment." He named them and then said, on those, Hatry would "go to penal servitude for seven years, the sentence to run concurrently." It was like seeing a human being flayed before one's eyes.

Is it really suggested that it is good for a child to hear such things over the radio, with an expert commentator to heighten the sensation and intensify the drama? Is it supposed that by these means he will be imbued with a wholesome respect for the law?

But it is not only children who would be harmed by such broadcasts. There is in all of us an element of sadism that is controlled and repressed according to the character and training of the individual. This is evident in the popularity of the films that have in them a good torture scene. I am inclined to think that the success of *Mutiny on the Bounty*, in many respects a first-class production, was not a little due to the number of flogging episodes contained in it. Even those who most dislike to witness the infliction of pain feel a certain horrible fascination in it which forces them sometimes against their whole better nature to take an unhealthy interest in it. The broadcasting of trials would appeal to the savage that lies deep in all of us—the instinct of cruelty, the lust for sensation, the fascination for the macabre.

Again, if certain trials are to be broadcast, why not floggings and executions, too? If it is thought good for the public to hear with their own ears that robberies with violence are punished with stripes and that mur-



Blazing The Way

Cases or statutes do not come with their history or subsequent interpretation stamped on them. Each one must be challenged. If a case, has it been affirmed, reversed, dismissed, modified, overruled, etc.? If a statute, has it been amended, added to, repealed, declared unconstitutional, void, or invalid, etc., etc.?

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der leads to the electric chair, why not broadcast the swish of the lash as it descends on the back of the victim or the last convulsions as the electric current performs its ghastly work? There is no logic in advocating the broadcasting of trials as a deterrent to crime and stopping at the broadcasting of the methods by which the sentence is carried out.

I have written only of the harmful effect of the broadcasting of trials upon the public. Equally deleterious in my judgment would be the consequences to the criminal. It would give him a new sense of importance. Conceit is one of the commonest characteristics of the psychological makeup of the real criminal. He dramatizes his life. He sees it as a thrilling struggle between himself and society, and even when he is caught, he does not lose this sense of being a hero.

Watch a notorious young thug standing trial for a bank holdup. There is a certain swagger in all his movements, an insolence in his answers, a self-conscious effort to show his contempt for courts of law and the humdrum civilization for which they stand. He knows that every eye in the court is upon him, that descriptive writers are there to record his slightest gesture, that in the world of sensationalism he is a great figure. If he knew a nation at that moment were listening in to every detail of his crime, it would add to his thrill. He would conceive himself as being on a world stage. The radio is the finest form of publicity the world has to offer today. I can imagine a man with a sense of news value deliberately committing the kind of crime that would insure his trial being broadcast, certain that if he once had that gigantic publicity, he need never fail afterward to get a livelihood.

For broadcasting of trials places a wholly false emphasis on the im-

portance of crime. Who would listen in to a statement of policy from the White House in Washington, D. C., if the alternative were the sifting of the evidence, over the air, of a first-class murder? It would tend to produce in some minds the dangerous idea, already promoted by a certain type of newspaper, that the real world is that of sexual outrages, hold-ups, murders, adulteries, and that it were the exception rather than the rule for men and women to live ordinary decent lives, bringing up families, paying their income tax, and earning their daily bread in satisfying the wants of their neighbors. Trials, of course, should be held in public, but that does not mean that they should be as public as possible. Crime is something shameful, and it is highly dangerous to advertise criminals as if they were as interesting as Presidents or Prime Ministers or film stars or professional footballers.

It is not as if the broadcasting of trials assisted the course of justice. It is inevitable when the speeches for the prosecution and the defense are made before the audience of the nation, that lawyers should to some extent conduct themselves with one eye on the evidence in front of them and the other on the effect that it will have on their unseen listeners. Every lawyer covets what is called in England "a fashionable practice," and he knows that the best way to get it is to become an interesting figure to the lay public. So he will be tempted to do his utmost to stage the dramatic effect—to bully a witness, to impart a sob in his voice at appropriate moments, to use, in fact, every tawdry theatrical device available to him. And the judge? He, too, is placed in an unfortunate position under the broadcast system. He has not merely to see that justice is done, but to insure that it is done in such a way as will appeal to the listening mil-

lions. When great public interest is taken in a case and fierce controversy is aroused over the verdict, this fact may well impair his impartiality and deflect his judgment.

There is also the question in an autocratic State of the power that the broadcasting of trials gives to the Executive. After all, what is a criminal trial? The definition of a crime differs with the method of government in operation in every country. At a recent election in one country a man was given six months' imprisonment for saying he did not propose to vote.

The range and the power of the human voice are what matters over the ether. A prosecuting counsel with a good broadcasting voice but a bad argument will win every time over a defending counsel with a weak voice and a good argument. If a trial is to be not merely in front of a court, but in the presence of a nation, then the whole fate of a Government may be involved in the verdict.

So far as democratic States are concerned, I do not believe that even as a commercial speculation the broadcasting of trials would be good business. It is obvious that if any fair assessment is to be made of the evidence and the legal issues involved, it would be quite impossible to broadcast selected passages from the cut and thrust of court procedure. The whole trial would have to be broadcast or none of it. Some trials extend over weeks, with long weary

hours of highly technical evidence by gunsmiths, pathologists, experts in company law, and chartered accountants. What broadcasting station would give up even a whole day to such a trial?

This has always been an insurmountable difficulty in carrying out the suggestion sometimes made in England of broadcasting the debates in the House of Commons. It is pointed out that to do justice to all parties, it would be necessary to broadcast the whole of a debate and that though the public might tolerate and even enjoy a Ministerial exposition of a policy and the slashing attack upon it by the leader of the Opposition, they would instantly switch off the radio when there came with the interrogations of the backbenchers what has been so aptly described as the "dreary drip of desultory debate."

I come last to what in my judgment is the most formidable of all the arguments that can be advanced against the broadcasting of trials. It would imply that the courts were a place of entertainment. The law is a majestic edifice sheltering every one of us, each stone of which rests upon another. To broadcast the administration of justice would be to degrade it to the level of a pasteboard scene in a Hollywood studio, and would make but a painted blackcloth of what is after all the central pillar of civilized and ordered society.

BLESSING OF FREE GOVERNMENT

"**N**EITHER the life nor the liberty of a citizen can be forfeited on the mere say-so of any permanent representative of a free government; and the fact that a citizen may not be accused by any permanent representative of the government, but only by a Grand Jury whose members are a cross-section of the community, unrewarded, practically unpaid, performing their duties in secrecy, without the acclaim of the multitude, is one of the blessings which go with a free government."

—MARTIN W. LITTLETON.



A Small Point. (His wife) So your client was acquitted of murder. On what grounds?

(Lawyer) Insanity. We proved that his father had spent five years in an asylum.

(His wife) But he didn't, did he?

(Lawyer) Yes. He was a doctor there, but we had not time to bring that fact out!

Dire Punishment. Nat borrowed thirty-five dollars from his friend Amos and gave a note for the amount. The note became due and Amos called on Nat and demanded, "When you-all gwine pay that note?" "Ah aint got no money now but Ah gwine pay just as soon as Ah kin." "Dat don't get me nothing nigger," retorted Amos. "If you all don't pay me here and now, Ah gwine burn up your old note, den where-all you gwine be at?" "You better not!, shouted Nat "You just burn that note of mine and Ah'll burn you up wid a law suit!"

—*American Legion Monthly.*

Undoubtedly. "Say, boy" a colored convict inquired of his new cell mate, "when does you all go out?" "De fust" was the laconic answer. "Sh nuff?" was the reply, "De fust of what?" "De fust chance Ah gets."

Too Long. "I shall have to study three years to be admitted to the bar" said the young man with the large spectacles.

"T'aint worth it" commented Uncle Bill Bottletop after some thought. "I'd rather go without the drink."—*Washington Star.*

In the Meshes of the Law. "I couldn't get out of marrying him," explained the lawyer's wife. When he proposed he said, "Will you marry me, have you any objection?" You see no matter whether I said yes or no he had me.

"Why didn't you keep silent then?" inquired her friend.

"That's what I did and he said 'Silence gives consent and that ended it.'"

A Modern Comeback. "Look here, waiter, we've been waiting over a half hour, how come?" "Can't help it, mum, this isn't the Divorce Court."

Verification Waived. Among some old papers in an Arkansas probate court was found a doctor's account for medical attendance during the last illness of the deceased. On the back the administrator had made the following indorsement: "This claim is not verified by affidavit as the statutes require, but the death of the deceased is satisfactory evidence to my mind that the doctor did the work."

A Natural Excuse. Policeman: "How did you get up that tree?"

Tramp: "Ain't you got no sense? I sat on it when it was an acorn."—*The Rail.*

Playful Rookie. The hard-boiled sergeant was not having an easy time in making the squad of rookies obey his dictates and his impatience began to tell in his voice as he bawled out:

"Companee—Attenshun!

"Companee—Lift your left leg and hold it straight out in front of you! Posishun!"

One confused rookie held up his right leg by error which brought it in position next to his neighbor's left leg.

The drill sergeant's keen eyes detected this:

"Aw right! Aw right! Who's the wise guy over there that's holding up both legs?"

—*Postage Stamp.*

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Their Move. A policeman covering his beat found a man swaying about like a flag pole in the breeze before the door to the house, and yelled to him.

"I suppose, my friend, you are going in there."

"Yes, shir."

"OK," said the copper, and continued on his beat.

A half hour later he returned past the house and found the drunk still standing there unsteadily, and called to him.

"Haven't you gotten into the house, yet?"

"No, shir."

"Well, have you rung the bell?"

"Yes, shir."

"How long ago?"

"Abou' three hoursh ago."

"You mean to say you rang the bell three hours ago and haven't gotten in yet?"

"Yes, shir."

"Well, why don't you ring it again?"

"No, shir, damn 'em let 'em wait."—*The Kalends.*

Married Men Beware. The following copy of an affidavit, lately filed and drawn by a Justice of the Peace, who has been elected to that position by the admiring citizens of Vicksburg for the past twenty-five years. The affiant, accused, and witnesses were all colored.

STATE OF MISSISSIPPI,
WARREN COUNTY.

Before me, the undersigned Justice of the Peace of said county and State, A. makes oath that B. did commit a misdemeanor in this, that she did in the presence of three more kiss one C., he being a married man.

Sworn to and subscribed before me this 8th day of April, 1892.

The fair Sophie went to trial and was found guilty of the heinous charge. She was severely rebuked by the Honorable Justice for her immoral conduct, and was sentenced to pay a fine of fifty cents and costs of the court to the amount of five dollars. The statute does not make it a crime to kiss a married man either in the presence of witnesses or alone; but what are the absence of statutes to a patriotic Justice of the Peace when the morality of a great State and the costs of the court are at stake? For you must know if the Justice does not convict he receives no costs.

Forty

The Odds Are Short At That. "What do the three balls in front of a pawn shop mean?"

"Two to one you don't get it back."

—*Farm & Ranch.*

Humiliation. "Cigar butts in the morning coffee" was the ground of cruelty in Edwin A. Hoffman, Jr.'s divorce case reported from Media, Pennsylvania. The complainant averred his wife emptied ash-trays in his breakfast beverage as part of "a campaign to humiliate me."

A Racing Telegram. "I found the following poem in a reported case decided by the Court of Appeals of Maryland in April, 1926. The Bill of Complaint in the case alleged fraud and a conspiracy on the part of two persons, so that the poem is rather apt, I should say."

"They wired in and they wired out,

And left the people still in doubt

Whether the snakes that made the track

Were going North or coming back."

Contributor: Noah A. Hillman,
Annapolis, Md.

A. A. A. Notwithstanding. Wheat is going up, but the price of wild oats will always remain the shame.

He Now Believes in Signs. From a window in Philadelphia's City Hall, a heavy glass pane and sash toppled toward pedestrians on the sidewalk. A sign stopped the descent and the pedestrians escaped. The sign read: "Take Time to be Safe."

—*Pathfinder.*

Coming Clean. "Is this the weather bureau?"

"Yes, sir."

"How about a shower tonight?"

"It's all right with me. Take it if you need it."—*Opportunity.*

Goodness! Wife (to her husband in the next room)—"My dear, what are you opening that can with?"

Husband—"Why, with a can-opener. What did you think I was doing it with?"

Wife—"Well, I thought from your remarks that you were opening it with a prayer."—*Gold Medal News.*

Donkeyshines. The foreman reported the jury was unable to agree upon a verdict. The judge said the case was a clear one,

RALPH N. LYNCH
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and added, "If you do not reach an agreement before evening, I'll have twelve suppers sent in."

"May it please Your Honor," spoke up the foreman, "make it eleven suppers and a bale of hay."—*By Gum.*

The Thrifty Scot. He was on the train from Edinburgh to London. At each station he hurriedly left his compartment, rushed to the station and rushed back to the train again. After this had been repeated a number of times, a fellow passenger who was a lawyer asked the reason. "It's because of my heart," the Scotchman explained. "The doctor says I may drop off at any time and I'm buying my ticket from station to station."—*Sohioan*

Discovery. Old lady meeting a one-legged tramp on the street—"Poor man, you have lost a leg, haven't you?"

Tramp, looking down—"Well, I'll be darned if I haven't."—*Gold Medal News.*

Trite Definitions. MARRIAGE: The legal penalty for flirtation.

GOOD TEMPER: The sweetener of toil and the soother of disquietude.

WISE MAN: He who is slow to speak, but quick to act.

DIPLOMACY: Getting a big man to break the news to another big man that you think he's a liar.—*By Gum.*

Generous. Judge (after giving prisoner a 99-year sentence: "Have you anything to say?"

Prisoner: "All I know is you are darn liberal with other people's time."

—*Punch Bowl.*

Price Cutters, Please Note. Two adjoining butchers were bitter business rivals.

One posted this sign: "Sausages 10¢ a pound; to pay more is to be robbed."

The rival butcher scratched his puzzled head and put up this sign: "Sausages 12¢ a pound; to pay less is to be poisoned."

Why Not? A lawyer and his wife who had suddenly acquired wealth, purchased a fine car and decided to tour the South.

Down in Georgia they were puzzled by the gray moss which draped the trees. "I wonder what it is?" the young woman inquired.

"I don't know, honey, some kind of grass, I guess," was the reply from the husband.

Forty-two

Then she had an inspiration, and exclaimed:

"My dear, I bet it's that Mardi Gras we've been reading about."—*Sohioan.*

Ode to a Horse. Oh, horse, you are a wondrous thing. No horns to honk, no bells to ring. No license buying every year, with plates to stick on front and rear. No spark to miss, no gears to strip; you start yourself, no clutch to slip. No gas bills climbing up each day to steal the joy of life away. Your inner tubes are all Okay, and thank the Lord, they stay that way. Your spark plugs never miss or fuss; your motor never makes us cuss. Your frame is good for many a mile; your body never changes style. No speed cops chugging in your rear, yelling summons in our ear. Your wants are few and easy met; you've something on the auto yet.—*Author Unknown.*

Was This You? A man who took great pride in his lawn found, to his dismay, a heavy crop of dandelions sprouting up in the spring. He did his best to uproot them, trying every known device to get rid of them.

As his efforts were unsuccessful, it occurred to him finally that as the Government was helping the farmer and rendering so many services, he should write to the Department of Agriculture about his dandelions. So he depicted in a letter his woes to great extent, enumerating all the things he had tried and done, and ended his letter by saying, "What do I do now?"

In due time a reply came, stating, "We suggest you learn to love them."

—*Viking Vacuum.*

Southern Error. A lawyer taking his bride south on their honeymoon, visited a hotel where they boasted of their fine honey.

"Sambo," he asked the colored waiter, "where's my honey?"

"Ah! don't know, boss," replied Sambo, eyeing the lady cautiously, "she don't work here no mo'."—*Stray Stories.*

A Frigid Air. 1st Man: "Didja hear about my mother-in-law? She gave a sick guy a pint of her blood for a transfusion."

2nd Man: "How generous of her! And did the patient recover?"

1st Man: "Naw—he froze to death!"

—*Bruce Every Month.*

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CASE AND COMMENT

A Means of Defense. A country Justice of the Peace was startled one day to see a man walk into the court with an enormous axe over his shoulder. He glared fiercely around him, as if he expected to be attacked. Ultimately the clerk of the court ventured to ask him why he was armed with so formidable a weapon. The man replied that his summons told him to be provided with the means of defense, and he considered that an axe would do for that purpose.

A Gift. Snoop—I hear that BJones left everything to the orphan asylum.
Slink—What did he leave?
Snoop—Two boys.—*Pathfinder*.

Before Repeal. Johnnie is Ma's liveliest child. Always into somethin'. Last week his teacher put a small worm in a glass of water. The worm swam around and seemed to be havin' a good time. Then she took it out and put it in a glass of whiskey. The worm curled up and died. She said, "Now, what does this prove?" and Johnnie says, "If you always drink whiskey, you'll never have worms."

—*Automotive Jobber Weekly*.

"Let the Galled Jade Wince." We were trying a murder case and the situation was tense. We were fighting desperately to keep out some improper testimony offered by the prosecution. Special counsel for the State, wishing to capitalize our concern in the minds of the jurors, turned to them and stated with very deliberate emphasis, "Let the walled gaid jince." Immediately realizing that something was wrong and with somewhat less of dignity he tried again, "Let the jailed waud gince." There was laughter then and one of us said, "Try it again, Rhodes." Turning a malevolent glare upon us, he said, "Let the wailed gaud jince." The roar of laughter stopped his efforts. The galled jade never winced.

Contributor: George Clammer,
Manhattan, Kansas.

No Apology. "I'll see you inhale first," said the tobacco king to the actress who said she'd indorse his cigarettes for \$50,000.
—*Automotive Weekly*.

Light Bills? Mid: "What fo' yo' name yo' baby Electricity, Mose?"

Night: "Well, mah name am Mose, mah wife's name am Dinah, and if Dinamose

doan' make electricity, what does they make?"—*L. & N. Employees Magazine*.

Another "Believe It or Not." Below is an application for a beer license, claimed to have been received by the McPherson County, Kansas Commissioners:

Dear Sir:

Eye wood like two open a bier-plaise in this cittie, Eye woant sel too know boddie lest than 21 yrs of aige and too no fee mails a tall. Eye shure will run a furst class barr wid know tufts aloud. Eye clothes at amid knight. What the liesense kost? Rite me 2 east fill stashun for a fact actshun.

P. S. Recollect know loud plaise, just a pieceful resort.

The Pig Indictment. The following is a true copy of an indictment found a few years since by the grand jury of Lawrence County, Ky.:

"Lawrence Criminal Court. Commonwealth of Kentucky against ---- Defendant. ---- Indictment. The grand jury of Lawrence County in the name and by the authority of the Commonwealth of Kentucky, accuse ---- of the offense of malicious mischief, committed as follows: The said ----, on the -- day of ---- A. D. 18--, in the county and circuit aforesaid, did unlawfully, willfully and maliciously kill and destroy one pig, the personal property of George Pigg, without the consent of said Pigg, the said pig being of value to the aforesaid George Pigg. The pig thus killed weighed about twenty-five pounds and was a mate to some other pigs that were owned by said George Pigg, which left George Pigg a pig less than he (said George Pigg) had of pigs, and thus ruthlessly tore said pig from the society of George Pigg's other pigs, against the peace and dignity of the Commonwealth of Kentucky."

Heavenly Ad Space. Will's Father was an advertising man. This didn't, contrary to general opinion, prevent his encouraging religion in Willy. Off to Sunday school went Willy every Sunday.

One day he carried home some beautifully illustrated cards and upon being asked what they were, Willy said, "Oh, just a couple of ads about heaven."

Irresistible. Customer: "I've come back to buy the car I was looking at yesterday."
Salesman: "Fine. Now tell me, what was

CASE AND COMMENT

the one dominating thing that made you buy this car?"

Customer: "My wife."

—Gold Medal News.

The Easiest Way Out. A justice of the peace of Irish descent made the following finding:

"The learned counsel for the plaintiff has made a very fine argument,—a splendid argument. Indade, I am thinking his argument unanswerable. And the distinguished counsel for the defendant has made an illogical argument,—an argument that seems to be very sound. I think it is unanswerable. Indade, gentlemen, I think both your arguments are unanswerable. So I dismiss the case."

An Overstatement. "And now, gentlemen of the jury," wound up the lawyer, "and how can you, with easy consciences, refuse to bring in a verdict for this young woman? Think of her, with her husband killed by this railway corporation, and contemplate her situation, left alone a widow, at the tender age of twenty-seven! Think—"

But he was interrupted by the poor young widow, who raised her eyes, and in a voice choking with tears, sobbed: "Not twenty-seven, please,—twenty-five!"

A Budding Trial Lawyer. The prosecuting attorney of a North Missouri county and a young attorney noted for his persistence were recently trying the preliminary hearing of a criminal case before a justice of the peace. The young attorney asked many irrelevant and incompetent questions, and when the prosecuting attorney would object would always say:—

"Your honor, before you pass on that objection I want to argue it."

Finally the young man asked the same question the seventh time against the prosecuting attorney's objection, when the prosecutor, losing his patience said in a loud aside:—

"-----, are you never going to get over being a confounded fool?"

Whereupon the young fellow jumped up with his usual remark:—

"Your honor, before you pass on that I want to argue it."

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It Happened Years Ago. A country lad, aged twenty-three or four years, a son of the plaintiff, was put on the stand to testify as to a line fence. He gave his testimony in so low a tone of voice that Judge Garrison said to him, "Speak so these gentlemen can hear you," pointing to the jury. "Why," said he, with a beaming smile, "are these men interested in Pop's case?"

Justice. There was a clash between the lawyer and the magistrate. The latter ordered the lawyer to sit down, and as the lawyer, being deaf, didn't hear him and went on talking, the magistrate fined him \$10.

The lawyer leaned toward the clerk of the court and cupped his hand behind his ear.

"What did he say?" he inquired.

"He fined you \$10," explained the clerk.

"What for?"

"For contempt of court."

The lawyer shot a poisonous look toward the bench and thrust a hand into his pocket.

"I'll pay it now," he said. "It's a just debt."—*The Watchman Examiner.*

Without Recourse. I teach a course in Business Law at a local Women's College. One day I lectured with hearty gusto on the subject of endorsements. After laboring for some time, I got a sneaking idea that the majority of the class were thinking of other and frivolous things. I spotted a particularly innocent young lady with a far-away look in her eye and asked her what an indorsement was. "An endorsement is the writing of your name on an instrument," she replied. This did not mean very much so I sought to corner her: "On what part of the instrument do you write your name?" I asked. What charming naïveté she answered "On the rear."

Contributor: Thos. E. Wiley,
Winona, Minn.

Reason for Illegitimacy of Child. The most quaint explanation vouchsafed by a mother as to the illegitimacy of her child, which I have thus far encountered, came to light during my recent examination of the files of an estate which is pending in our probate court.

The decedent was a young woman who had left surviving her neither a husband nor any issue, and the witness who testified in proof of heirship was her mother, who was

being interrogated by the court for the purpose of making a finding as to identity of both parents of the decedent, and to ascertain whether each survived her, before going into the subject of other heirs.

In response to the judge's question: "What was her father's name?" the mother answered: "She had no father, she was on my name. They have a funny way in the old country; they don't get married, they just live together."

The reporter's transcript does not show that the witness further enlightened the court by way of specifying which one of the "old countries" she had undertaken to explain the customs and habits of.

Contributor: Burton F. Kimball,
Chicago, Ill.

On Holy Ground. There was for many years a clerk of one of the Minnesota courts, a German of fine education, who was very punctilious in the observation of the details of his office, and who maintained all the dignities which he thought should characterize judicial proceedings. It is said that during the progress of a trial a witness came up to be sworn, and that this clerk started to read the oath to him in slow and solemn voice, as was his custom, when he noticed that the witness had not removed his hat. Pausing, he lowered his book, and said with much earnestness, "Look here! ven you schwear before me und Gott, take off your hat."

Fair Warning. A white woman called on a Justice of the Peace in a Southern State some time since, and asked him to issue a "Peace Warrant" for some negroes that she alleged had been giving her some trouble. The Justice, however, for certain reasons decided not to commence proceedings to keep the peace as provided for by the criminal code, but instead gave the woman the following unique and interesting instrument:

"To whom it may concern,—There has been several statements made to me regarding the criminal conduct of Persons, some for using threatening, abusive, and insulting language in the 'presents' of females along the public roads and so forth, carrying concealed weapons and other acts of a criminal nature. The names of those persons are known to me, and the evidence is ready.

"I, now, in the name of the State of ---- forewarn such persons to desist, before they

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CASE AND COMMENT

get in the meshes of the law and thereby incur heavy expense upon themselves."

Time to Confess. A justice of the peace who was constantly trying criminal cases was called upon to marry a couple. After he had asked the usual question, if they desired to be united in the bonds of matrimony, and they had replied in the affirmative, the justice said solemnly: "Having pleaded guilty to the charge, if there are in your opinion any mitigating circumstances, now is the time to state what they are."

A Sure Conviction. A justice made an affidavit against a man for larceny (it was the justice's property that was alleged to be stolen) before himself. He issued the warrant to himself, he arrested the defendant himself, brought him for trial before himself, and was himself the only witness in the case. The defendant was convicted.

'Twas Ever Thus. This actually happened in a Southern Kentucky Court room. Two lawyers, who we shall call Jones and Brown because these are not their correct names, were engaged on opposite sides of a very sensational seduction case. Jones, like Andrew H. Brown of Amos and Andy, had a reputation of being a great lover, and he had the defense.

In the course of his final argument to the jury he was deploring the immoral tendencies of modern youth and after picturing it as most immoral said, "It was not like that when I was courting, nor could such a thing as this have happened in those days. When I went to see my girl I sat on one end of the sofa and my girl sat on the other end, and my girl's mother came in and sat between us. She brought her knitting in and there she sat and knitted until I went home."

Brown in reply to this in his argument said, "Jones has told you how he did his courting. It is needless, gentlemen of the jury, for me to remind you that that old lady with her knitting knew Jones."

—Kentucky State Bar Journal.

Here, Here! Lawyer's Wife: "You know, I suspect that my husband has a love affair with his stenographer."

Maid: "Oh, I don't believe it. You are only saying it to make me jealous."

—U. of P. Punch Bowl.

Why Attorneys Look Grim. A young foreigner was being tried in Court and the questioning by the Prosecutor began:

Q. Now Lasky—What do you do?

A. Vat do I do—Vy when.

Q. When you work, of course.

A. Vhy work.

Q. I know, but what at.

A. At the bench.

Q. I know—I know—but where do you work at the bench.

A. In a factory.

Q. What kind of a factory?

A. Vhy don't you know—vhy its brick.

Q. Ah, now you are getting somewhere—the factory makes brick.

A. No—what you talk about—the place is made of bricks.

Q. Oh—Lord Lasky, what do you make in the factory.

A. Vhy shust \$8 by da week, ain't dat nuff?

Q. No—No—No—What does the factory make?

A. Vhy, I dunno—a lot of money I dank—I don't keep da books.

Q. Now listen Lasky—what kind of goods does the factory produce?

A. Vy good goods, what do you tank dey make.

Q. Yes, but what kind of good goods?

A. Vy, the best dere is, of course.

Q. Of what?

A. Vy doze good goods.

Pros. Atty. Your Honor, I give up—discharge the defendant.

Contributor: David Carl,
Richmond, Mich.

Conclusive Conclusion. "You mean, Liza, your husband got concussion of the brain in the accident, not conclusion of the brain."

"No suh, Ah means conclusion ob de brain. He's daid."

Jolts and Jars. Eva: "Her strength was gained through a vibratory system—jolts, you know."

May: "And her beauty by means of jan."
—The Inventor.

Reasonable. "Have you anything to say before I pass sentence on you?"

"Yes, your honor, I should like you to have your lunch first."—Farm & Ranch.

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